Pursuant to the Governor's Executive Order N-25-20 the Commission Meeting scheduled for June 18, 2020 at 9:30 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. # 833 5884 8197. Members of the public are encouraged to dial in to the meeting using the same number. https://us02web.zoom.us/j/83358848197

COMMISSION MEETING
AGENDA

Thursday, June 18, 2020
9:30 A.M.

EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
San Lorenzo, CA 94580

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Forum

CONSSENT CALENDAR

MOTION 5. Commission Meeting Minutes of May 21, 2020
6. List of Disbursements for May 2020 – See Item FM4
7. Treasurer’s Report for May 2020 – See Item FM5

REGULAR CALENDAR

INFORMATION 8. General Manager’s Report
(The General Manager will report on EBDA issues.)

INFORMATION 9. Report From the Managers Advisory Committee
(The General Manager will report on the meeting.)

INFORMATION 10. Report From the Financial Management Committee
(The General Manager will report on the meeting.)

RESOLUTION 11. Resolution Extending the Authority’s Master Agreement with Livermore-Amador Valley Water Management Agency Until No Later Than January 1, 2021 – See Item No. FM8
(The Commission will consider a resolution approving the extension)

INFORMATION 12. Report From the Regulatory Affairs Committee
(The General Manager will report on the meeting.)
INFORMATION 13. Report From the Operations & Maintenance Committee
(The General Manager will report on the meeting.)

(The Commission will consider a resolution approving the Renewal and Replacement Fund Project List for FY 2020/2021.)

RESOLUTION 15. Resolution Authorizing the General Manager to Exercise a One-Year Option to Extend the Authority’s Purchase Order with Univar Solutions USA, Inc. for Sodium Bisulfite 25% Solution in FY 2020/2021 in the Amount of $250,000 – See Item No. OM7
(The Commission will consider a resolution to extend the purchase order.)

RESOLUTION 16. Resolution Authorizing the General Manager to Issue a Purchase Order to Buckles-Smith in the Amount of $15,372 for a New Variable Frequency Drive Transformer and Field Service for Effluent Pump No. 2 at the Alvarado Effluent Pump Station – See Item No. OM8
(The Commission will consider a resolution to issue a purchase order.)

RESOLUTION 17. Resolution Authorizing the General Manager to Execute a Transfer Agreement with the City of San Leandro – See Item No. OM9
(The Commission will consider a resolution to enter into a Transfer Agreement for the San Leandro Effluent Pump Station and pipeline.)

INFORMATION 18. Report From the Personnel Committee
(The General Manager will report on the meeting.)

(The Commission will consider a resolution adopting Rules of the Commission)

MOTION 20. Motion to Accept Committee Appointments and Calendar for FY 2020/2021– See Item No. P6
(The Commission will consider Committee appointments for next fiscal year.)

(The Commission will consider a resolution adopting the Compensation Plan.)

INFORMATION 22. Items From the Commission and Staff
(The Commission and staff may address items of general interest.)

23. Adjournment

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at the EBDA office at (510) 278-5910 or kyambao@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at http://www.ebda.org.)
The next Commission meeting will be held
Thursday, July 16, 2020 at 9:30 a.m.
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<th>Acronym</th>
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<tr>
<td>ACWA</td>
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<td>AQPI</td>
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CONSENT CALENDAR

Consent calendar items are typically routine in nature and are considered for approval by the Commission with a single action. The Commission may remove items from the Consent Calendar for discussion. Items on the Consent Calendar are deemed to have been read by title. Members of the public who wish to comment on Consent Calendar items may do so during Public Forum.

Item No. 5  Commission Meeting Minutes of May 21, 2020
Item No. 6  List of Disbursements for May 2020 – See Item FM4
Item No. 7  Treasurer’s Report for May 2020 – See Item FM5

Recommendation

Approve Consent Calendar Items No. 5, 6, and 7.
ITEM NO. 5  COMMISSION MEETING MINUTES OF MAY 21, 2020

EAST BAY DISCHARGERS AUTHORITY
COMMISSION MEETING MINUTES

May 21, 2020

1. Call to Order
Chair Cutter called the telephonic meeting to order pursuant to the Governor's Executive Order N-25-20 at 8:34 A.M. on Thursday, May 21, 2020. Dial-in information for the meeting was provided in the agenda for public attendees.


3. Roll Call
PRESENT:  Sara Lamnin     City of Hayward
          Daniel Walters    Oro Loma Sanitary District
          Ralph Johnson    Castro Valley Sanitary District
          Pauline Cutter    City of San Leandro
          Thomas Handley    Union Sanitary District

ABSENT:  None

OTHERS
PRESENT:  Jacqueline Zipkin  East Bay Dischargers Authority
          Eric Casher       Legal Counsel
          Howard Cin        East Bay Dischargers Authority
          Kalena Yambao     East Bay Dischargers Authority
          Juanita Villasenor East Bay Dischargers Authority
          Jimmy Dang        Oro Loma Sanitary District
          Alex Ameri        City of Hayward
          David Donovan     City of Hayward
          Justin Jenson     City of San Leandro
          Roland Williams   Castro Valley Sanitary District
          Paul Eldredge     Union Sanitary District

4. Public Forum
No member of the public requested to address the Commission at the meeting.

CONSENT CALENDAR

5. Commission Meeting Minutes of April 16, 2020
6. List of Disbursements for April 2020
7. Treasurer’s Report for April 2020
8. Third Quarter Expense Summary, FY 2019/2020
Commissioner Walters moved to approve the consent calendar. The motion was seconded by Commissioner Johnson and carried unanimously 5-0, by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter.
Noes: None
Absent: None
Abstain: None

REGULAR CALENDAR

9. General Manager's Report
The General Manager (GM) requested feedback on continuing use of colored paper for hard-copy agenda packets. The Commissioners concurred that white paper is fine for future packets. The GM reported that an agreement transferring ownership of the San Leandro Effluent Pump Station and associated pipeline segment to the City of San Leandro is being drafted, and that the Authority will be ready for all changes included in the Amended and Restated JPA to take effect on July 1st 2020. The GM reported back on a question from last month, noting that the Authority's attorneys had drafted a memo concluding that Prop 218 does not apply to the Authority's brine project opportunity. Lastly, the GM provided an update on the HASPA Shoreline Master Plan; the GM will send information from HASPA's website summarizing the status of the project.

10. Report from the Managers Advisory Committee (MAC)
The MAC met on May 14, 2020. The GM deferred the items discussed with the MAC. See Item No.11.

11. Report from the Financial Management Committee
The Financial Management Committee met on May 18, 2020. The Committee reviewed the List of Disbursements and Treasurer's Report for April, and Third Quarter Expense Summary and recommended approval. The GM reported that EBDA is currently under budget for the year. The GM summarized informational items included in the agenda including the 2019 State Controller Report, adoption of Wells Fargo’s fraud prevention services for the Authority’s bank accounts, and an annual review of the Authority's Internal Controls & Fraud Prevention and Reporting Policies. The Committee concurs with staff's recommendation not to amend these policies.

The Brine Policy was discussed with the MAC and the Finance Committee. The item will continue to be reviewed by the MAC to further discuss appropriate allocations of potential brine revenue and brought back to the Committee for review. The Committee and the MAC also reviewed the status of the LAVWMA negotiation; the Committee and MAC recommend an additional six-month extension with a 30% premium added after three months to LAVWMA's operations & maintenance fees.

12. Resolution Adopting the East Bay Dischargers Authority’s Fiscal Year 2020/2021 Budget and Appointing the General Manager to the Position of Treasurer.
Commissioner Lamnin moved to approve the Resolution adopting EBDA’s Fiscal Year 2020/2021 Budget and appointing the GM as Treasurer with the modification that the Special Studies line item for LIMS be moved to the O&M budget. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter.
Noes: None
Absent: None
Abstain: None

13. Resolution Approving an Increase to the Annual Contribution to the Renewal and Replacement Fund for Fiscal Year 2020/2021 to the Amount of $750,000.

Commissioner Walters moved to adopt the Resolution increasing the annual contribution to the Renewal and Replacement Fund to $750,000. The motion was seconded by Chair Cutter and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter.
Noes: None
Absent: None
Abstain: None

14. Resolution Authorizing the General Manager to Suspend Recycled Water Charges to Hayward Area Recreation and Park District (HARD) for Skywest Golf Course for May and June 2020.

Commissioner Handley moved to adopt the Resolution authorizing the GM to suspend charges to HARD for Skywest Golf Course for May and June 2020. The motion was seconded by Commissioner Walters and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter.
Noes: None
Absent: None
Abstain: None


Commissioner Johnson moved to adopt the Resolution establishing the price of recycled water for Skywest Golf Course in FY 2020/2021. The motion was seconded by Commissioner Lamnin and carried unanimously, 5-0 by roll call vote.
Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter.
Noes: None
Absent: None
Abstain: None

16. Resolution Approving Revisions to the Authority’s Investment Policy.

Commissioner Walters moved to adopt the Resolution approving revisions to the investment policy. The motion was seconded by Commissioner Handley and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter.
Noes: None
Absent: None
Abstain: None

17. Report from the Operations and Maintenance Committee (O&M)

The Operations and Maintenance Committee met on May 19, 2020 and discussed the status of the EBDA facilities. The O&M Manager reviewed NPDES Compliance for March and preliminary data for April and provided an update on current projects. At AEPS, the center pole portion of the Pump No. 2 VFD transformer failed, and EBDA is in the process of obtaining quotes to replace the part. At HEPS, the MCC building stairs and the generator platform were installed. The only remaining item for the HEPS MCC Project is staff training, which will be implemented as the Shelter-in-Place mandate evolves.

At OLEPS, on May 7th the new breaker and MCC bucket completing the backup power connection to OLSD were installed. On May 19th the new speed switch for the generator was installed. New paving was done around the captor tank at EBDA’s dechlorination system at OLSD to improve safety and new windows were installed at the EBDA Operations Center.

The GM gave an update on current COVID-19 safety practices for Authority staff, as well as EBDA’s potential involvement in conducting influent testing for the SARS-CoV-2 virus in wastewater. Virus levels in influent could be useful in understanding and predicting community outbreaks of COVID-19. Research and efforts to scale up this practice, known as wastewater-based epidemiology, are underway.

The O&M Manager reviewed the reports in the agenda from the May 6th bypass and May 12th recycled water leak incidents at OLEPS and the Skywest pipeline, respectively. EBDA thanked staff at Hayward and USD for their quick response in reducing their flow, and to OLSD’s operator for their help in responding to the incident on May 6th. EBDA staff and member agencies are looking into improvements that would reduce the potential for future incidents. The O&M manager also thanked staff from across OLSD’s departments for their rapid and thorough response to the May 12th incident.
Finally, the O&M Manager reviewed the draft Renewal & Replacement Fund Project List for FY 2020/2021, which the Committee recommends for approval.

18. Resolution Authorizing the General Manager to Issue a Credit to the City of San Leandro for Capital Reimbursements in the Amount of $114,227.

Commissioner Walters moved to adopt the Resolution authorizing the GM to issue a credit to the City of San Leandro for capital reimbursements in the amount of $114,227. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter.
Noes: None
Absent: None
Abstain: None

19. Resolution Authorizing the General Manager to Issue a Purchase Order to R&B Company for a 60-Inch Romac Encapsulating Force Main Repair Coupling in the Amount of $61,727.

Commissioner Lamnin moved to adopt the Resolution authorizing the GM to issue a purchase order to R&B Company in the amount of $61,727. The motion was seconded by Commissioner Handley and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter.
Noes: None
Absent: None
Abstain: None

20. Resolution Authorizing the General Manager to Issue a Purchase Order to Miller Pipeline for Flexible Internal Force Main Seals in the Amount of $32,645.

Commissioner Johnson moved to adopt the Resolution authorizing the GM to issue a purchase order to Miller Pipeline in the amount of $32,645. The motion was seconded by Chair Cutter and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter.
Noes: None
Absent: None
Abstain: None

21. Report from the Personnel Committee
The Personnel Committee met on May 19, 2020 and discussed the agenized items. The GM reviewed the Committee Preference Form for the Commission and asked for input on the draft Rules of the Commission which will be brought back to the Commission for approval via Resolution. The Committee and Commission recommended continuation of
Item No. 24 pending further discussion on Cost of Living Adjustments.

22. **Fiscal Year 2020/2021 Commission Chair Rotation.**

Chair Cutter moved to approve the rotation of the Commission Chair for Fiscal Year 2020/2021. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter.
Noes: None
Absent: None
Abstain: None

23. **Resolution Adopting the Amended Fiscal Year 2019/2020 Compensation Plan.**

Commissioner Lamnin moved to adopt the Resolution amending the Fiscal Year 2019/2020 Compensation Plan. The motion was seconded by Commission Handley and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter.
Noes: None
Absent: None
Abstain: None

24. **Resolution Adopting the Fiscal Year 2020/2021 Compensation Plan.**

Item continued until June Commission meeting.

25. **Items from Commission and Staff**

Chair Cutter thanked the Commissioners for their flexibility in moving the meeting and Commissioner Walters commended the GM for her attention to potential ways EBDA may be able to help track and/or moderate the current COVID-19 pandemic via wastewater testing.

26. **Adjournment**

With no further business, Chair Cutter adjourned the meeting at 10:28 A.M.

Jacqueline Zipkin
General Manager
ITEM NO. 8  GENERAL MANAGER’S REPORT
The General Manager will discuss items of interest concerning EBDA.

ITEM NO. 9  REPORT FROM THE MANAGERS ADVISORY COMMITTEE

MANAGERS ADVISORY COMMITTEE
AGENDA
Thursday, June 11, 2020
1:30 P.M.
Via Zoom

1. LAVWMA Agreement
2. Brine Project and Brine Policy
3. Project Funding Mechanisms
4. EBDA Commission Package
   • Finance
   • O&M
   • Personnel
   • Regulatory
5. EBDA Managers Round Robin
Pursuant to the Governor’s Executive Order N-25-20 the Finance Meeting scheduled for June 15, 2020 at 3:00 p.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. #870 8629 5463. Members of the public are encouraged to dial in to the meeting using the same number. https://us02web.zoom.us/j/87086295463

ITEM NO. 10

FINANCIAL MANAGEMENT COMMITTEE
AGENDA

Monday, June 15, 2020
3:00 P.M.

East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580

Committee Members: Lamnin (Chair); Johnson

FM1. Call to Order

FM2. Roll Call

FM3. Public Forum

FM4. List of Disbursements for May 2020
(The Committee will review the List of Disbursements for the month of May 2020.)

FM5. Treasurer’s Report for May 2020
(The Committee will review the Treasurer’s Report for the month of May 2020.)

FM6. Brine Project Update
(The Committee will discuss a project for potential brine discharge through EBDA’s system.)

FM7. Review of the Authority’s Brine Policy
(The Committee will review revisions to the Policy.)

FM8. Resolution Extending the Authority’s Master Agreement with Livermore-Amador Valley Water Management Agency Until No Later Than January 1, 2021
(The Committee will consider a resolution approving the extension.)

FM9. Adjournment
The next Financial Management Committee meeting is scheduled on Tuesday, July 14, 2020 at 10:30 a.m.
ITEM NO. FM4 LIST OF DISBURSEMENTS FOR MAY 2020

The itemized List of Disbursements for the month of May 2020 totaled $193,349.74

Reviewed and Approved by:

__________________________  _________________________
Sara Lamnin, Chair                Date
Financial Management Committee

__________________________  _________________________
Jacqueline T. Zipkin                Date
Treasurer
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**ELECTRONIC PAYMENTS**

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**TOTAL ELECTRONIC PAYMENTS** 56,682.88

**PAYROLL**

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**TOTAL PAYROLL** 44,517.64

**TOTAL DISBURSEMENTS** 193,349.74
ITEM NO. FM5  TREASURER’S REPORT FOR MAY 2020

The beginning cash balance on May 1, 2020 was $3,815,953.45. The ending cash balance on May 31, 2020 was $3,984,751.78. Total receipts for the month were $362,148.07, and disbursements were $193,349.74.

EBDA currently has a three-pronged investment approach that includes laddered CDs, Local Agency Investment Fund (LAIF), and Wells Fargo accounts. As directed by the Financial Management Committee, funds are currently being transferred to savings and/or LAIF as CDs mature. Staff will continue to work with the Committee on investment strategy.

Current market value of laddered CD investments is $358,167.77. The average annual yield of the CDs is 2.25%.

EBDA’s LAIF balance beginning May 1, 2020 was $2,237,610.52. The ending balance on May 31, 2020 remained the same at $2,237,610.52. The LAIF interest rate for period ending May 31, 2020 is 1.36%.

The Wells Fargo State/Local Government account interest rate for this period was 0.01%.

Approval is recommended.
<table>
<thead>
<tr>
<th>FUND</th>
<th>DESCRIPTION</th>
<th>BEGINNING CASH BALANCE</th>
<th>DEBITS (INCREASE)</th>
<th>CREDITS (DECREASE)</th>
<th>ENDING CASH BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>OPERATIONS &amp; MAINTENANCE</td>
<td>1,208,888.66</td>
<td>237,468.86</td>
<td>189,405.96</td>
<td>1,256,951.56</td>
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<tr>
<td>13</td>
<td>PLANNING &amp; SPECIAL STUDIES</td>
<td>196,973.19</td>
<td>113,288.81</td>
<td></td>
<td>310,262.00</td>
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<tr>
<td>14</td>
<td>RECLAMATION O &amp; M (SKYWEST)</td>
<td>167,798.73</td>
<td>10,000.00</td>
<td>1,592.03</td>
<td>176,206.70</td>
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<td>31</td>
<td>REPLACEMENT</td>
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<tr>
<td>41</td>
<td>CONSTRUCTION</td>
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<td></td>
<td>11,769.50</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td><strong>3,815,953.45</strong></td>
<td><strong>362,148.07</strong></td>
<td><strong>193,349.74</strong></td>
<td><strong>3,984,751.78</strong></td>
</tr>
</tbody>
</table>
### SUPPLEMENTAL TREASURERS REPORT

**DATE** | **TRANSACTION** | **RECEIPT** | **DISBURSEMENT** | **PAYROLL** | **SAVINGS** | **LAIF** | **CD** | **INTEREST & EXPENSES** | **WEILLS FARGO** | **WEILLS FARGO** | **WEILLS FARGO** | **WEILLS FARGO** | **TOTAL** |
--- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
05/01/20 | BALANCE | | | | | | | | | | | | |
05/01/20 | INTEREST | 498.63 | 965,861.49 | 45,402.01 | 109,910.08 | 2,237,610.52 | 457,169.35 | 3,815,953.45 | |
05/04/20 | DEPOSIT - COH | 248,152.34 | 1,214,013.83 | 45,402.01 | 109,910.08 | 2,237,610.52 | 457,169.35 | 3,815,953.45 | |
05/04/20 | ELECTRONIC BILL PAY | 3,861.21 | 1,173,146.60 | 45,402.01 | 109,910.08 | 2,237,610.52 | 457,169.35 | 3,815,953.45 | |
05/05/20 | ELECTRONIC BILL PAY | 0.20 | 1,175,352.32 | 45,402.01 | 212,979.81 | 2,237,610.52 | 354,598.45 | 4,025,943.11 | |
05/07/20 | ELECTRONIC BILL PAY | 3,861.21 | 1,173,146.60 | 45,402.01 | 212,979.81 | 2,237,610.52 | 354,598.45 | 4,025,943.11 | |
05/07/20 | ELECTRONIC BILL PAY | 496.80 | 1,173,146.60 | 45,402.01 | 212,979.81 | 2,237,610.52 | 354,598.45 | 4,025,943.11 | |
05/08/20 | CD TRANSFER | (103,069.73) | 1,173,146.60 | 45,402.01 | 212,979.81 | 2,237,610.52 | 354,598.45 | 4,025,943.11 | |
05/08/20 | DEPOSIT - HARD | 10,000.00 | 1,183,146.60 | 45,402.01 | 212,979.81 | 2,237,610.52 | 354,598.45 | 4,025,943.11 | |
05/08/20 | ELECTRONIC BILL PAY | 7,794.28 | 1,175,352.32 | 45,402.01 | 212,979.81 | 2,237,610.52 | 354,598.45 | 4,025,943.11 | |
05/11/20 | INTEREST | 0.23 | 1,277,957.65 | 45,341.76 | 212,980.21 | 2,237,610.52 | 354,598.45 | 4,128,488.59 | |
05/11/20 | SAVINGS TRANSFER | (212,980.21) | 1,490,937.86 | 45,341.76 | 0.00 | 2,237,610.52 | 354,598.45 | 4,128,488.59 | |
05/12/20 | PAYROLL TRANSFER | 20,000.00 | 1,470,937.86 | 45,341.76 | 0.00 | 2,237,610.52 | 354,598.45 | 4,128,488.59 | |
05/14/20 | PAYROLL | 1,470,937.86 | 44,250.11 | 0.00 | 2,237,610.52 | 354,598.45 | 4,128,488.59 | |
05/15/20 | DISBURSEMENT | 55,696.35 | 1,415,241.51 | 44,250.11 | 0.00 | 2,237,610.52 | 354,598.45 | 4,128,488.59 | |
05/15/20 | VOID CHECK | (20.27) | 1,415,261.78 | 44,250.11 | 0.00 | 2,237,610.52 | 354,598.45 | 4,128,488.59 | |
05/15/20 | ELECTRONIC BILL PAY | 3,964.73 | 1,410,296.08 | 44,250.11 | 0.00 | 2,237,610.52 | 354,598.45 | 4,128,488.59 | |
05/15/20 | ELECTRONIC BILL PAY | 3,503.42 | 1,406,792.66 | 44,250.11 | 0.00 | 2,237,610.52 | 354,598.45 | 4,128,488.59 | |
05/15/20 | ELECTRONIC BILL PAY | 496.80 | 1,406,295.86 | 44,250.11 | 0.00 | 2,237,610.52 | 354,598.45 | 4,128,488.59 | |
05/16/20 | PAYROLL FEES | 1,407,240.41 | 44,201.11 | 0.00 | 2,237,610.52 | 354,598.45 | 4,128,488.59 | |
05/16/20 | PAYROLL FEES | 1,407,240.41 | 44,201.11 | 0.00 | 2,237,610.52 | 354,598.45 | 4,128,488.59 | |
05/20/20 | INTEREST | 723.01 | 1,407,252.10 | 44,201.11 | 0.00 | 2,237,610.52 | 354,598.45 | 4,128,488.59 | |
05/20/20 | DISBURSEMENT | 36,473.14 | 1,370,778.96 | 44,201.11 | 0.00 | 2,237,610.52 | 354,598.45 | 3,984,751.78 | |

**Reconciliation**
- Per Bank Statement @ 05/31/20:
  - $1,392,645.35
- Less: Outstanding Checks:
  - $41,966.39
- Per LAIF Statement @ 05/31/20:
  - $2,237,610.52

**Total Cash:** 3,984,751.78

---

The Supplemental Treasurer's Report is prepared monthly by the General Manager. It also serves as EBDA's cash and investments reconciliation.
<table>
<thead>
<tr>
<th>Institution</th>
<th>Description</th>
<th>Purchase Date</th>
<th>Maturity Date</th>
<th>Estimated Annual Yield</th>
<th>Quantity</th>
<th>Current Market Value</th>
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<td>BARCLAYS BANK</td>
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<td>9/21/2020</td>
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<td>11/2/2020</td>
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<td>CITIBANK NA CD SIOUX FALLS SD ACT/365 FDIC INSURD CPN 2.900% DUE 05/24/21 DTD 05/23/18 FC 11/23/18 CUSIP 17312QM22</td>
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<tr>
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<td>6/22/2020</td>
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<td>1/30/2018</td>
<td>2/8/2021</td>
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<td>4/5/2018</td>
<td>4/5/2021</td>
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<td>MORGAN STANLEY BK NA</td>
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<td></td>
<td>101,952.00</td>
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<td>Grand Total</td>
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<td></td>
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<td>357,288.57</td>
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**Average Estimated Annual Yield**

2.25%

**Cash & Sweep Balances**

879.20

**Snapshot Market Value on May 31st 2020**

358,167.77
ITEM NO. FM6 BRINE PROJECT UPDATE

Recommendation
For the Committee’s information only; no action is required.

Background
As discussed in Item No. FM7, the Authority adopted a Policy for Disposal of Brine in the East Bay Dischargers Authority System in 2005, which is currently under revision. In March 2020, the Regulatory Affairs Committee discussed a specific project opportunity with a company operating in the Authority’s service area that is interested in discharging brine through the EBDA system.

Discussion
Authority staff, in consultation with the MAC, has been working with the customer regarding regulatory strategy, commercial terms, and stakeholder outreach. At this Committee meeting, staff will update the Committee on the opportunity, the draft Term Sheet that has been developed, and next steps.
ITEM NO. FM7 REVIEW OF THE AUTHORITY’S BRINE POLICY

Recommendation
Review draft policy and provide direction to staff.

Background
In 2005, the Commission adopted Resolution 05-01 Adopting a Policy for Disposal of Brine in the East Bay Dischargers Authority’s System. At the time, the Authority was contemplating accepting brine from a Zone 7 Water Agency demineralization project. The agreement with Zone 7 was not ultimately executed, and brine from the project was discharged through LAVWMA to EBDA under permit from Dublin San Ramon Services District.

It is expected that over the coming years, the need for sustainable brine discharge options will increase as the region initiates more demineralization and water recycling projects to address water scarcity. In addition, as discussed over the past several months, the Authority is currently negotiating terms for accepting brine from a salt processing facility. Authority staff and the MAC are therefore recommending that the Authority’s Brine Policy be updated to reflect current conditions and opportunities.

Per the Amended and Restated Joint Powers Agreement (JPA), the Brine Policy must be approved unanimously by the Commission.

Discussion
An updated draft of the Brine Policy is attached for the Committee’s review. Based on the recommendation of the MAC, the draft Policy states that revenue from brine projects will be allocated to the Member Agencies on a case-by-case basis to be determined in the future. Any revenue collected prior to agreement on the allocation would be held by the Authority.

Resolving the question of revenue allocation for a given project will take time and thoughtful dialogue. In order to expeditiously move forward with the specific brine project discussed in Item No. FM6, the MAC recommends that the Commission agree through adoption of this policy to enter into that dialogue. To the extent that the Member Agencies ultimately agree on an allocation that they view as universally acceptable for future projects, this Policy can later be updated to incorporate it.
PURPOSE: The purpose of the Brine Policy is to ensure that any disposal of brine through the Authority’s outfall system is protective of the Authority’s infrastructure and permit compliance, and that there is an equitable distribution of access for brine disposal for all Member Agencies and fair distribution of any revenue associated with such disposal.

DEFINITION: For the purposes of this policy, brine is defined as a liquid material containing more than double the typical concentration of salt in municipal wastewater. The source of brine may be the byproduct of tertiary treatment such as reverse osmosis concentrate, concentrated Bay water, or other material.

POLICY: Consistent with its Recycled Water Policy, the Authority aims to support water recycling as a component of a resilient water supply for Bay Area residents. The Authority supports use of its forcemain and outfall system as a sustainable mechanism for management and disposal of brine, in service of supporting water recycling and other climate resilient projects.

It is the policy of the Authority to accept brine disposal directly into the Authority’s forcemain and outfall system, or into a system connected to the Authority’s forcemain and outfall system, provided that the following conditions are met:

1. The addition of brine will not cause significant degradation of effluent quality or result in permit violations of either the Authority or its Member Agencies.
   a. Brine must be routinely monitored for key regulated constituents to ensure that there are no negative impacts of the brine on the Authority's combined effluent.
   b. Water quality and NPDES permit compliance issues must be addressed and resolved at no cost to the Authority.

2. The addition of brine will not negatively impact the Member Agencies’ or the Authority’s infrastructure.
3. For brine that is generated by an entity other than a Member Agency, a formal agreement must be unanimously approved by the Authority’s Commission. The agreement will generally include the following:
   a. Provision for the Authority to unilaterally discontinue accepting brine into the Authority’s system when continued acceptance of brine is not in the best interests of the Authority. Specific conditions around such discontinuation will be outlined in the agreement.
   b. Indemnification of the Authority against liability resulting from such disposal.

Net revenue from non-Agency generated brine shall be allocated to the Member Agencies based on Maximum Flow Rate Capacity as defined in the Amended and Restated Joint Powers Agreement (JPA).

Discharge of Agency-generated brine does not require approval by the Commission and does not require any payment to the Authority. Any discharge of Agency-generated brine to the system downstream of secondary treatment must be consistent with conditions 1 and 2 above.

On a case-by-case basis each time a non-Agency generated brine project is proposed, the Commission shall determine how net revenue (including capacity fees, flow-based charges, and any other revenue associated with the project) will be allocated among the Member Agencies. The Commission has not pre-determined any particular allocation scheme, nor ruled any out. Approval of the revenue allocation scheme(s) by the Commission shall be unanimous. Any revenue collected prior to an allocation scheme being approved shall be held by the Authority until such approval.

Net revenue from non-Agency generated brine shall be allocated to the Member Agencies based on Maximum Flow Rate Capacity as defined in the Amended and Restated Joint Powers Agreement (JPA).

Section 23(b) of the Amended and Restated JPA is provided here for reference:

(b) Disposal of Brine.

The Authority and the Agencies acknowledge that use of the Authority’s Bay Outfall may provide an environmentally beneficial and cost-effective method of disposing of brine. The Agencies desire that both volume and pollutant loading capacity in the Facilities be available for disposal of brine generated from an Agency’s production of recycled water.
(1) Non-Agency Generated Brine

Any project or activity that results in utilization of the Facilities to dispose of brine generated outside the Authority’s boundaries or from source water not already treated by an Agency will be conducted in accordance with the Authority’s Brine Policy, as it may be updated from time to time, and any other relevant Policies and Procedures. The Brine Policy will include a provision that the Commission unanimously approve any agreement that results in utilization of the Facilities for disposal of such brine, including any agreement to which the Authority may not be a party. Such approval will not be unreasonably withheld. The purpose of such approval is, among other things, to ensure that acceptance of brine from non-Agency sources does not limit an Agency’s right to a share of capacity, both volume and pollutant loading, in the Authority Facilities to develop recycled water projects and dispose of brine. Such agreements may also provide for the Authority to receive appropriate revenue from disposal of brine, assurances that the discharge will not lead to effluent violations, and appropriate indemnification against liability resulting from such disposal.

(2) Agency-generated Brine that is not Treated Through an Agency’s Full Secondary Treatment Process

Utilization of the Facilities to discharge brine that is generated by an Agency that is not treated through an Agency’s full secondary treatment process will be conducted in accordance with the Authority’s Brine Policy, as it may be updated from time to time, and any other relevant Policies and Procedures. The Brine Policy will provide a framework that encourages development of recycled water while addressing the possible impacts of Agency brine discharges on other Agencies, the Facilities, and the Authority’s regulatory compliance. The requirement for Commission approval in subsection 23(b)(1) does not apply to brine generated by an Agency.

(3) Agency-generated Brine Treated through an Agency’s Full Secondary Treatment Process

Brine generated by an Agency that is treated through an Agency’s full secondary treatment process will not be subject to approval by the Authority. The requirement for Commission approval in subsection 23(b)(1) does not apply to wastewater treated by an Agency.
ITEM NO. FM8  RESOLUTION EXTENDING THE AUTHORITY’S MASTER AGREEMENT WITH LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY UNTIL NO LATER THAN JANUARY 1, 2021

Recommendation
Approve the resolution extending the expiration date of the Authority’s Master Agreement with Livermore-Amador Valley Water Management Agency (LAVWMA).

Background
EBDA entered into a Master Agreement with LAVWMA in April 2007 (the “Agreement”). The Agreement allows LAVWMA to discharge through EBDA’s system and lays out the conditions for such discharge. The Agreement was set to expire on January 1, 2020 concurrent with the expiration of the EBDA Joint Powers Agreement (JPA). On October 18, 2019, the Commission adopted Resolution 19-38, extending the LAVWMA Master Agreement for up to six months, through June 30, 2020 to allow time for negotiation of a new amendment or agreement.

Discussion
After reaching consensus with the MAC and incorporating input from the Committee, Authority staff transmitted the attached draft Term Sheet to LAVWMA staff on March 16, 2020. LAVWMA staff and member agencies are currently in the process of reviewing the draft Term Sheet and developing a response. LAVWMA staff relayed that progress in responding has been slowed, as LAVWMA’s member agencies are very short-staffed due to the COVID-19 response.

In parallel, LAVWMA has engaged a consultant to perform hydraulic modeling, which will inform their determination of capacity needs in the EBDA system. LAVWMA anticipates completing that modeling in June 2020, making it unlikely that LAVWMA and EBDA could complete negotiation of a new agreement by the time the current extension expires on June 30, 2020. LAVWMA and EBDA staff have discussed the concept of extending the current agreement by up to another six months, to December 31, 2020, with the condition that the financial terms that are ultimately agreed to in the new agreement will be retroactive to July 1, 2020. Therefore, if costs for LAVWMA go up under the new agreement, LAVWMA would be responsible for reimbursing EBDA the difference between what they paid for the first half of the fiscal year and what they would have paid under the new agreement. Conversely, if LAVWMA’s costs go down, EBDA would credit LAVWMA for overpayment.

At its April 2020 meeting, the Commission expressed support for the concept of extending the agreement with this retroactivity, but suggested that LAVWMA should be charged a non-reimbursable premium on top of the fee structure in the current agreement as an incentive to speed up the negotiation process. At its May 2020 meeting, the Commission supported the MAC’s recommendation of a 30% premium on Operations & Maintenance costs that would be charged to LAVWMA beginning October 1, 2020 until the new Agreement is adopted.
EAST BAY DISCHARGERS AUTHORITY
LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
SECOND AMENDMENT TO THE MASTER AGREEMENT
TO PROVIDE SEWER SYSTEM DISCHARGE SERVICES

This SECOND AMENDMENT ("Second Amendment") to the MASTER AGREEMENT TO PROVIDE SEWER SYSTEM DISCHARGE SERVICES ("Master Agreement") is entered into effective as of July 1, 2020 ("Effective Date") by the EAST BAY DISCHARGERS AUTHORITY, a Joint Powers Agency comprised of the Cities of Hayward and San Leandro, Oro Loma Sanitary District, Castro Valley Sanitary District, and Union Sanitary District ("EBDA") and LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY, a Joint Powers Agency comprised of the Cities of Livermore and Pleasanton and the Dublin San Ramon Services District ("LAVWMA") (collectively "parties"), with reference to the following facts and intentions:

RECITALS

WHEREAS, the parties first entered into an agreement to provide for the export of wastewater from LAVWMA to EBDA dating back to 1978 and subsequently amended that agreement in 1981, 1985, 1993, and 1998; and

WHEREAS, on April 26, 2007, the parties executed the Master Agreement to supersede the prior agreements and consolidate all relevant provisions into one document; and

WHEREAS, the Master Agreement’s original term was to expire on January 1, 2020, but on that date, the parties entered into a First Amendment to the Master Agreement ("First Amendment") which extended the term to June 30, 2020; and

WHEREAS, the member agencies of EBDA have negotiated an Amended and Restated Joint Exercise of Powers Agreement which will become effective on July 1, 2020 and will expire on June 30, 2040; and

WHEREAS, to allow for uninterrupted service, the member agencies of EBDA have, by amendment, extended the term of the existing Joint Exercise of Powers Agreement to June 30, 2020; and

WHEREAS, pursuant to the First Amendment, LAVWMA and EBDA have negotiated in good faith regarding the terms of an Amended and Restated Master Agreement the term of which is shall coincide with the Amended and Restated Joint Exercise of Powers Agreement, but require additional time to complete negotiations and, therefore, wish to further extend the term of the Master Agreement.

NOW, THEREFORE, in consideration of the promises made and recited herein and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree to enter into this Second Amendment, which modifies and amends the Master Agreement and First Amendment as follows:

1. **Recitals.** The foregoing recitals are true and correct and hereby incorporated herein.
2. **Defined Terms.** All capitalized terms not defined herein shall have the meanings ascribed to them in the Master Agreement.

3. **Section 8 "Term of the Agreement"** is deleted in its entirety and replaced with the following:

"The term of this Master Agreement shall extend until the earlier of January 1, 2021 or until the effective date of an Amended and Restated Master Agreement executed by the parties, provided however, that provision for Capital Buy-in (Par. 6.3) and all indemnification provisions contained in this Master Agreement shall survive the expiration of this Master Agreement. In addition, LAVWMA shall continue to be responsible for its share of operations, maintenance, and other costs as described in Paragraphs 6.1 and 6.2 as long as LAVWMA continues to discharge through the EBDA System even after this Master Agreement expires."

4. **Retroactive Application of Amended and Restated Master Agreement.** The parties acknowledge and agree they are negotiating in good faith in order to reach accord on the terms of an Amended and Restated Master Agreement and that the terms of any such Amended and Restated Master Agreement shall become effective on July 1, 2020 whether or not the parties have executed an Amended and Restated Master Agreement by July 1, 2020.

5. **Cost Premium.** The parties further acknowledge and agree that, due to the delay in finalizing an Amended and Restated Master Agreement and in consideration of EBDA’s agreement to extend the term of the Master Agreement pursuant to this Second Amendment, LAVWMA shall continue to reimburse EBDA for the costs attributable to LAVWMA’s use of and capacity rights in EBDA’s facilities pursuant to the terms of the Master Agreement as well as an additional thirty percent (30%) increase of the costs incurred pursuant to Sections 2, 3 and 4 of Exhibit A of the Master Agreement (“Cost Premium”). The Cost Premium shall be applied to costs incurred by LAVWMA between October 1, 2020 and January 1, 2021, the termination of the Master Agreement pursuant to this Second Amendment and shall be remitted to EBDA within thirty (30) days from receipt of an invoice.

If the parties have executed an Amended and Restated Master Agreement by January 1, 2021, then, on or before July 1, 2021, EBDA shall calculate the total costs associated with LAVWMA’s use of and capacity rights in EBDA’s facilities pursuant to the terms of such Amended and Restated Master Agreement and compare those costs with the costs incurred by LAVWMA pursuant to the Master Agreement with the Cost Premium added and notify LAVWMA of the results of such cost comparison.

If the costs incurred by LAVMA pursuant to the terms of an Amended and Restated Master Agreement exceed those incurred pursuant to the Master Agreement plus the Cost Premium, then LAVMA shall reimburse EBDA for such additional costs by August 1, 2021. If the costs incurred by LAVMA pursuant to the Master Agreement plus the Cost Premium exceed those incurred pursuant to the terms of an Amended and Restated Master Agreement, then EBDA shall reimburse LAVMA for such costs by August 1, 2021.

6. **Effect of First Amendment.** Except as expressly modified by the First Amendment and this Second Amendment, all terms and conditions in the Master Agreement dated April 26,
2007 shall remain in full force and effect and the parties hereby ratify and affirm all their respective rights and obligations under the Master Agreement, including but not limited to the indemnification obligations. In the event of any conflict between the Second Amendment and First Amendment or Master Agreement, the provisions of this Second Amendment shall govern.

7. **Binding Agreement.** This Second Amendment shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest, and assigns of each of the parties hereto. Any reference in this Second Amendment to a specifically named party shall be deemed to apply to any successor, administrator, executor, or assign of such party who has acquired an interest in compliance with the terms of this Second Amendment or under law.

8. **Counterparts.** Execution of this Second Amendment may be accomplished by execution of separate counterparts by each signatory. The separate executed counterparts, taken together, shall constitute a single agreement.

9. **Invalidity.** Any provision of this Second Amendment that is determined by a court of competent jurisdiction to be invalid or unenforceable shall be deemed severed from this Second Amendment, and the remaining provisions shall remain in full force and effect as if the invalid or unenforceable provision had not been a part hereof.

10. **Headings.** The headings used in this Second Amendment are for convenience only and shall be disregarded in interpreting the substantive provisions of this Second Amendment.
IN WITNESS WHEREOF, the undersigned have executed this Second Amendment as of the Effective Date.

EAST BAY DISCHARGERS AUTHORITY
A Public Corporation

By: ___________________________________________________
    Jacqueline Zipkin, General Manager
    2651 Grant Avenue
    San Lorenzo, CA 94580

Date: ________________________________

Approved as to Form: ________________________________

Eric Casher, Authority Counsel

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
A Public Corporation

By: ________________________________
    Charles V. Weir, General Manager
    7051 Dublin Boulevard
    Dublin, CA 94568

Date: ________________________________

Approved as to Form: ________________________________

Alexandra M. Barnhill, Agency Counsel

3535952.1
RESOLUTION NO. 20-13

INTRODUCED BY _____________________

RESOLUTION EXTENDING THE AUTHORITY’S MASTER AGREEMENT WITH LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY UNTIL NO LATER THAN JANUARY 1, 2021

WHEREAS, the East Bay Dischargers Authority (Authority) and Livermore-Amador Valley Water Management Authority (LAVWMA) entered into a Master Agreement on April 26, 2007; and

WHEREAS, that Master Agreement authorizes LAVWMA to discharge through the Authority’s system and lays out the terms and conditions for such discharge; and

WHEREAS, the Master Agreement was set to expire on January 1, 2020 concurrent with the expiration of the EBDA Joint Powers Agreement (JPA); and

WHEREAS, the Commission adopted an extension to the Master Agreement through June 30, 2020; and

WHEREAS, the Authority and LAVWMA are continuing to negotiate an Amended and Restated Master Agreement and do not anticipate concluding that negotiation prior to June 30, 2020; and

WHEREAS, the Financial Management Committee recommends further extending the Master Agreement until no later than January 1, 2021, with a price premium taking effect October 1, 2021 to incentivize expedited negotiations; and

NOW, THEREFORE, BE IT RESOLVED, the Commission of the Authority hereby authorizes the General Manager to execute an extension to the LAVWMA Master Agreement until no later than January 1, 2021.

SAN LORENZO, CALIFORNIA, JUNE 18, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________ ATTEST: ______________________________
CHAIR    GENERAL MANAGER
EAST BAY DISCHARGERS COMMISSION EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY

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Pursuant to the Governor’s Executive Order N-25-20 the Regulatory Affairs Committee meeting scheduled for June 17, 2020 at 9:00 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. # 825 0285 7980. Members of the public are encouraged to dial-in to the meeting using the same number. https://us02web.zoom.us/j/82502857980

ITEM NO. 12

REGULATORY AFFAIRS COMMITTEE AGENDA

Wednesday, June 17, 2020
9:00 a.m.

East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580

Committee Members: Johnson (Chair); Cutter

RA1. Call to Order

RA2. Roll Call

RA3. Public Forum

RA4. EBDA NPDES Performance – See Item OM4
(The Committee will review NPDES Permit compliance data.)

RA5. Update on Total Residual Chlorine Basin Plan Amendment
(The Committee will discuss the latest developments on this regulatory action.)

RA6. BACWA Key Regulatory Issue Summary
(The Committee will review BACWA’s issue summary.)

RA7. Recycled Water Reporting
(The Committee will review a recent report submitted on water recycling by Member Agencies.)

RA8. Adjournment

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker’s cards will be available in the Boardroom and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at the EBDA office at (510) 278-5910 or kyambao@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at http://www.ebda.org.)

The next Regulatory Affairs Committee meeting is scheduled for Wednesday, July 15, 2020 at 9:00 a.m.
ITEM NO. RA4 EBDA NPDES PERFORMANCE – NPDES PERMIT

Please see the Operations and Maintenance Committee agenda, Item No. OM4 for permit compliance data.
ITEM NO. RA5 UPDATE ON TOTAL RESIDUAL CHLORINE BASIN PLAN AMENDMENT

Recommendation
For the Committee’s information only; no action is required.

Background
As reported to the Commission previously, the Bay Area Clean Water Agencies (BACWA) has been working with the San Francisco Bay Regional Water Quality Control Board (Water Board) to amend the San Francisco Bay Water Quality Control Plan, or Basin Plan, for total residual chlorine (TRC). To comply with the current limit of 0.0 mg/L as an instantaneous maximum, EBDA, along with all other wastewater dischargers that disinfect with chlorine, overdose the dechlorinating agent sodium bisulfite (SBS). Overdosing SBS allows agencies to show that they are consistently discharging dechlorinated effluent, even when online continuous chlorine monitors may temporarily show residual over 0.0 mg/L. However, it results in significant excess chemicals being discharged into the Bay and significant chemical cost expenditures without commensurate environmental benefit.

Discussion
The Water Board has agreed to delete the Basin Plan’s performance-based 0.0 mg/L instantaneous maximum limit and replace it with a more appropriate water quality-based objective and averaging period. The new limit will be based on EPA’s 1984 Ambient Water Quality Criteria for chlorine, which sets a one-hour average concentration of 13 ug/L for estuarine discharges. Because it is water quality-based, this approach allows effluent limits for deep water dischargers to be calculated considering dilution.

For EBDA, this means that instead of complying with an instantaneous maximum limit of 0.0 parts per million (ppm), with the new objective and EBDA’s 79:1 dilution factor, EBDA’s compliance would be based on 1.04 ppm measured as a one-hour average concentration. Compliance with this limit could be achieved with minimal SBS dosing, and perhaps no SBS addition under certain conditions.

On May 22, 2020 the Water Board held a workshop and CEQA Scoping Meeting to formally kick off the process to amend the Basin Plan. Water Board staff plans to issue their Draft Staff Report and Environmental Checklist in July 2020. The CEQA process is expected to move forward expeditiously given that the environmental impacts are positive. There will be a public review and comment period in July/August 2020, and the adoption hearing is planned for November 2020. Following adoption by the Regional Water Board, the State Water Resources Control Board and Office of Administrative Law must approve the amendment.

After final Basin Plan Amendment approval, BACWA plans to work with Water Board staff to have the relevant changes made to all applicable POTW permits at one time via a “blanket” permit amendment, rather than permit by permit as individual permits come up for reissuance. Staff is hopeful that this will be accomplished by mid-2021, in time for FY 2021-2022 budgeting.
ITEM NO. RA6 BACWA KEY REGULATORY ISSUE SUMMARY

Recommendation
For the Committee’s information only; no action is required.

Background
Periodically, BACWA’s Regulatory Program Manager updates a Key Regulatory Issues Summary that contains succinct information on regulatory issues of interest to Bay Area wastewater agencies. The Summary matrix contains background, challenges and recent updates, next steps for BACWA, and links to key resources and documents.

Discussion
The most recent issue summary is attached. Previous versions are available at https://bacwa.org/regulatory-issues-summaries/.
NUTRIENTS IN SAN FRANCISCO BAY – SCIENCE

• San Francisco Bay receives some of the highest nitrogen loads among estuaries worldwide, yet has not historically experienced the water quality problems typical of other nutrient-enriched estuaries. It is not known whether this level of nitrogen loading, which will continue to increase in proportion to human population increase, is sustainable over the long term.

• Because of the complexity of the science behind nutrient impacts in the SF Bay, stakeholders in the region are participating in a steering committee to prioritize scientific studies and ensure that all science to be used for policy decisions is conducted under one umbrella.

• For FY20, BACWA contributed the $2.2M required by the Watershed Permit, as well as “frontloading” additional funds that would be subtracted from future permit years. Moving the funding up will accelerate the pace of the science that will be used for management decisions for the third Watershed Permit.

• Agencies are conducting effluent monitoring for nutrients under the watershed permit.

• Current scientific efforts are focused on expanding monitoring data, modeling, and work exploring the linkage between nutrients, dissolved oxygen, and harmful algal species.

• Future studies will be focused on the science needed to inform the development of nutrient load caps for the third Nutrient Watershed Permit.

• BACWA and the Regional Water Board are is discussing the possibility of a one-year extension of the current permit term.

• Continue to participate in steering committee and planning subcommittee, and provide funding for scientific studies.

• Participate in the Nutrient Technical Workgroup, which is a venue to provide technical input to the process, and is open to the public, as well as the Stakeholder Advisory Group.

• May 2020 Nutrient Technical Workgroup meeting will focus on review of science plan for 2021.

BACWA “Other Useful Nutrient Documents”

SFEI Nutrient Science Plan Documents:
http://sfbaynutrients.sfei.org/books/reports-and-work-products
**SF BAY NUTRIENT WATERSHED PERMIT**

- The first nutrient watershed permit was adopted in April 2014. The second Nutrient Watershed Permits was adopted May 8, 2019 with an effective date of July 1, 2019.
- The second Nutrient Watershed permit includes:
  - Continued individual treatment plant nutrient monitoring and reporting;
  - Continued group annual reporting;
  - Significantly increased funding for science;
  - Regional assessment of the feasibility and cost for reducing nutrients through nature-based systems and recycled water;
  - Establishing current performance for TIN, and "load targets" for nutrient loads based on 2018 load data plus a 15% buffer for growth and variability;
  - Recognition of "early actors" who are planning projects that will substantially decrease TIN loads.
- Through the nutrient surcharge levied on permittees, BACWA funds compliance with the following provisions on behalf of its members:
  - Group Annual Reporting
  - Optimization and Facilities Upgrade Studies (first permit term)
  - Regional Studies on Nature Based Systems and Recycled Water (second permit term)
  - Support of scientific studies through the RMP at $2.2M per year through the five-year permit term.
- BACWA submitted a final report on Nutrient Treatment by Optimization and Upgrade on June 26, 2018. An agency-customizable presentation, and a brochure to educate governing boards and the public were made available to our members.
- BACWA and SFEI most recently submitted a science implementation plan and schedule update on February 1, 2020.
- All agencies covered by the Nutrient Watershed Permit participated in the first four group Annual Reports, submitted in 2015, 2016, 2017, and 2018. Agencies are now reporting to BACWA via a data sheet developed by the consultant. An updated data sheet was distributed to agencies that accounts for changes in the monitoring and reporting program in the second Watershed Permit, including the following:
  - The second watershed permit reporting period will now be based on water year, through September 30, instead of permit year, through June 30. The first Group Annual Report under the new permit was submitted Feb 1, 2020.
  - Agencies with flows greater than 10mgd are required to conduct influent monitoring.
  - Organic nitrogen and soluble reactive phosphorus are no longer required to be monitored in effluent.
  - Agencies with plans to substantially reduce nutrients are recognized in 2nd Watershed Permit Fact Sheet.
- Agencies continue to report nutrient monitoring to the Water Boards through CIWQS and to BACWA via the data sheet, which was updated with the monitoring and reporting requirements in the second Nutrient Watershed Permit.
- Agencies with plans to implement projects that will substantially reduce nutrient loads should keep the Regional Water Board and BACWA apprised, to get credit for “early actions”.
  - Work with team led by HDR to provide information to be used for Nutrient Removal by Recycled Water Evaluation and the Nature Based Systems study. HDR is expected to issue a request for information in May 2020.
  - Begin discussions about development of a potential Nutrient Trading framework.
- Second Nutrient Watershed Permit: [https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2019/May/6_ssr.pdf](https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2019/May/6_ssr.pdf)
### CHLORINE RESIDUAL COMPLIANCE

- The Basin Plan chlorine residual effluent limit is 0.0 mg/L. Chlorine residual is the most frequent parameter for violations for Region 2 POTWs, however, because there are 24 hourly reporting events each day, the “opportunities” for violations are enormous. However, the actual violation rates are infinitesimal (~0.001%).
- Agencies are overdosing their effluent with the dechlorination agent, sodium bisulfite, to prevent chlorine violations, a practice which costs more than $1 million regionally each year.

- The Regional Water Board is working with BACWA to develop a Basin Plan amendment. BACWA has retained consultant support for this effort.
- The Basin Plan amendment will include:
  - Adopting a 0.013 mg/L Water Quality Objective, which will be applied as a WQBEL in permits, calculated incorporating dilution. The WQBEL will be applied as a one hour average.
  - Possibly establishing a Minimum Level (ML), or Reporting Limit of 0.05mg/L for online continuous monitoring system.
- The proposed 0.05 mg/L ML is unrealistically low; Regional Water Board is open to hearing from member agencies about the technical basis for a higher ML.
- A CEQA scoping meeting is scheduled for May 22, 2020 with an anticipated draft BPA in July and adoption in November of this year.
- Work with the consultant and Regional Water Board to proceed with tasks in the Scope of Work to support the Basin Plan Amendment.
- Respond to information requests from BACWA and the Regional Water Board to support this initiative.
- Shallow water dischargers (no dilution credits) may be esp. interested in advancing information to the Board in support of increasing the proposed 0.05 mg/L ML (although these agencies will still benefit from the proposed one-hour averaging period).

### PESTICIDES

- Pesticides are regulated via FIFRA, and not the Clean Water Act. POTWs do not have the authority to regulate pesticide use in their service area, but may be responsible for pesticide impacts to their treatment processes or to surface water.
- Through BAPPG, BACWA aims to proactively support a scientifically sound pesticide management program that will not impact POTWs’ primary functions of collecting and treating wastewater, recycling water, and managing biosolids.

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<td><strong>PESTICIDES</strong></td>
<td><strong>Beginning 2016, EPA has been reviewing the registration of several key pesticides, a task it conducts once about every 15 years.</strong></td>
<td><strong>Continue to comment on pesticide reregistrations.</strong></td>
<td><strong>BACWA Pesticides Regulatory Update and Call to action:</strong> <a href="https://bacwa.org/wp-content/uploads/2016/02/BACWA-Pesticide-Regulatory-Update-2016-1.pdf">https://bacwa.org/wp-content/uploads/2016/02/BACWA-Pesticide-Regulatory-Update-2016-1.pdf</a></td>
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<td><strong>BACWA has funded consultant support to write comment letters advocating for the consideration of POTW and surface water issues during EPA’s risk assessments as part of reregistration. Funding was increased from $30K to $60K in FY20/21. Most recently, BACWA submitted comments on Pyrethroids and Pyrethrins as well as neonicitinoid pesticides.</strong></td>
<td><strong>Work with veterinary associations on messaging with respect to flea and tick control alternatives.</strong></td>
<td><strong>BACWA Pesticide Regulatory Support Page:</strong> <a href="https://bacwa.org/document-category/pesticides-regulatory-support/">https://bacwa.org/document-category/pesticides-regulatory-support/</a></td>
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<td><strong>With chronic toxicity limits likely in the near term, POTWs will be in compliance jeopardy if pesticides contribute to toxicity.</strong></td>
<td><strong>Continue to develop summary of EPA actions on pesticides.</strong></td>
<td><strong>Baywise flea and tick pages:</strong> <a href="https://baywise.org/">https://baywise.org/</a></td>
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<td><strong>Baywise.org has launched webpages on flea and tick control messaging to pet owners and veterinarians.</strong></td>
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### MERCURY/PCB WATERSHED PERMIT

- Mercury/PCB Watershed Permit was reissued on 11/8/17 with 1/1/18 effective date. The Watershed Permit is based on the TMDLs for each of these pollutants.
- Aggregate PCB and mercury loads have been well below waste load allocations through 2016.
- Method 1668C for measuring PCB congeners has not been promulgated by EPA. Data collected during the first permit term varied widely depending on which laboratory performed the analyses. BACWA Laboratory Committee developed an updated PCB Protocol to reduce variability between laboratories running Method 1668C, effective January 1, 2014. Data have been more consistent since the distribution of this document.
- The 2017 watershed permit reduces monitoring frequencies via Method 1668C for agencies with design flows of less than 50 mgd. It also incorporates the laboratory guidance from the BACWA PCB Protocol.
- The permit requires continued risk reduction program funding and annual reporting of effort. BACWA is repeating its grant program that it established as part of the previous permit. In summer 2018, two $25,000 grants were awarded, to APA Family Support Services (now complete) and the California Indian Environmental Alliance (ongoing through 2020).
- Continue outreach to dentists on amalgam separation through BAPPG and BACWA’s pretreatment committee.
- Schedule risk reduction presentations by the grantees to the Regional Water Board 2020.


### ENTEROCOCCUS LIMITS

- In August 2018, the State Water Board adopted new statewide bacteria water quality objectives and implementation options to protect recreational users from the effects of pathogens in California water bodies. The objectives and implementation options are a new part 3 of the Water Quality Control Plan for the SIP and Ocean Plan.
- The Objectives were approved by the Office of Administrative Law in February 2019 and by EPA in March 2019
- The new enterococcus objective for saline waters is a six-week rolling geometric mean of enterococci not to exceed 30 cfu/100 mL, calculated weekly, with a statistical threshold value of 110 cfu/100 mL, not to be exceeded by more than 10 percent of the samples collected in a calendar month, calculated in a static manner.
- The Regional Water Board has been granted dilution credit upon request when implementing the new objectives in NPDES permits.
- BACWA is working with SFEI to perform a study of background enterococcus levels in the San Francisco Bay. SFPUC has volunteered use of their boat for collecting samples. This study is being funded by BACWA.
- The first round of samples found enterococcus levels near the detection limit in most locations. BACWA is awaiting the report from the second round of sampling.

**SWB Bacterial Objective page:** [https://www.waterboards.ca.gov/bacterialobjectives/](https://www.waterboards.ca.gov/bacterialobjectives/)
### STATE WATER BOARD TOXICITY PROVISIONS

- The State Water Board has been working since before 2012 to establish Toxicity Provisions in the SIP that would introduce uniform Whole Effluent Toxicity Requirements for the State.
- Draft State Toxicity Provisions posted October 19, 2018, would establish:
  - numeric limits for chronic toxicity;
  - use of Test of Significant Toxicity (TST) as statistical method to determine toxicity replacing EC25/IC25 (with concerns it will lead to more false positive results);
  - Regional Water Board discretion on whether to require RPAs for acute toxicity.
- During individual permit reissuances since 2015, the Regional Water Board has been performing RPAs for chronic toxicity and giving chronic toxicity limits to agencies with Reasonable Potential.

- Key issues for BACWA to discuss with the State Water Board continue to be:
  - reasonable potential analysis methodology,
  - MMEL testing schedule and laboratory capacity,
  - test species variability
  - sensitive species screening requirements
- Since 2016, agencies have had the option to skip sensitive species screening upon permit reissuance and pay the avoided funds to the RMP to be used for CECs studies. If agencies are required by the provisions to do sensitive species screening, this will reduce RMP funds by approximate $100K per year.
- BACWA has joined SCAP, CVCWA and NACWA in a lawsuit alleging EPA did not follow proper procedure in requiring use of the TST, which has not been officially promulgated. The lawsuit was dismissed on Statute of Limitation grounds, but the group has filed an appeal.
- The State Water Board is considering removing *C. dubia* tests for MMEL compliance purposes until a study on its accuracy and variability is complete. The State Water Board has tentatively agreed to a study examining *C. dubia* test variability.
- BACWA hosted a toxicity workshop for its members in September 2017.

- BACWA has met with State Water Board staff and Regional Water Board staff to request that sensitive species screening not be required for agencies.
- Continue tracking State Water Board activities pertaining to the *Ceriodaphnia dubia* test.
- Continue to work with Regional Water Board on language for implementing Toxicity Provisions in Region 2 NPDES Permits.

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### COMPOUNDS OF EMERGING CONCERN

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<td>• Pharmaceuticals and other trace compounds of emerging concern (CECs) are ubiquitous in wastewater at low concentrations and have unknown effects on aquatic organisms.</td>
<td>• The Regional Water Board has stated that voluntary participation in RMP CECs studies is key to avoiding regulatory mandates for CECs monitoring. These studies are informational and not for compliance purposes.</td>
<td>• Continue to participate in the RMP CEC Workgroup and solicit agency participation for future studies.</td>
<td><strong>RMP CEC Workgroup:</strong> <a href="http://www.sfei.org/rmp/cecg#tab-1-4">http://www.sfei.org/rmp/cecg#tab-1-4</a></td>
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<td>• The State Water Board is considering developing a Pilot CECs Monitoring Plan for the State.</td>
<td>• Microplastics have been a focus of the RMP in recent years. BACWA has participated in the Workgroup and developed a POTW Fact Sheet. One conclusion of the RMP work is that POTWs contribute much lower microplastic loads than stormwater.</td>
<td>• Finalize a White Paper for use by the RMP in selecting representative POTWs for participation in CEC studies, and develop a proposal for ongoing monitoring.</td>
<td><strong>BACWA Microplastics Fact Sheet:</strong> <a href="https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf">https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf</a></td>
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<td>• Region 2’s CEC strategy focuses on monitoring/tracking concentrations of constituents with high occurrence and high potential toxicity. Much of what the State Water Board is considering for its Pilot Monitoring Plan is already being implemented in Region 2 through the RMP.</td>
<td>• DDW has proposed a definition of Microplastics in Drinking Water (expected to apply to other matrices such as wastewater and stormwater). It’s expected to be adopted June 2020.</td>
<td>• Continue tracking SWRCB actions re: microplastics.</td>
<td><strong>SFEI Microplastics Science Strategy:</strong> <a href="http://www.sfei.org/documents/microplastic-monitoring-and-science-strategy-san-francisco-bay">www.sfei.org/documents/microplastic-monitoring-and-science-strategy-san-francisco-bay</a></td>
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**Links/Resources**

- [SWRCB Microplastics in Drinking Water](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/microplastics.html)
### PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)

- **Per- and polyfluoroalkyl substances (PFAS)** are a large group of human-made substances that are very resistant to heat, water, and oil. PFAS have been used extensively in surface coating and protectant formulations; common PFAS-containing products are non-stick cookware, cardboard/paper food packaging, water-resistant clothing, carpets, and fire-fighting foam.
- Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are two types of PFAS that are no longer manufactured in the US; however, other types of PFAS are still produced and used in the US.
- All PFAS are persistent in the environment, can accumulate within the human body, and have demonstrated toxicity at relatively low concentrations. PFOA and PFOS were found in the blood of nearly all people tested in several national surveys.
- Regulatory efforts to address PFAS focus on drinking water in order to minimize human ingestion of these chemicals, although regulators have also expressed concern about uptake into food from land applied biosolids.

### Challenges and Recent Updates

- In Aug 2019, DDW lowered the drinking water notification levels (NLs) to 6.5 ng/L for PFOS and 5.1 ng/L for PFOA (lowest detection possible at the time). In Feb 2020, DDW also lowered the ‘response levels’ (RLs) to 10 ng/L for PFOA and 40 ng/L for PFOS.
- Under AB756 (July 2019), DDW can order public water systems to monitor PFAS, consumers must be notified if NLs/RLs are exceeded, and water sources must be removed from service or blended/treated if RLs are exceeded (if possible). DDW has requested OEHHA develop NLs for seven other PFAS compounds and public health goals (PHGs) for both PFOA and PFOS, the next step in establishing drinking water MCLs.
- In 2019, the SWRCB developed a phased investigation action plan requiring testing of drinking water systems and site investigations at high risk locations for PFAS. Investigative orders are issued as follows:
  - Mar/Apr 2019 - landfills and airports and adjacent public water systems
  - Oct 2019 - chrome-platers
  - TBD late 2020 - POTWs
  - TBD late 2020 - refineries & bulk terminals

### Next Steps for BACWA

- As part of its investigation plan, SWRCB is pushing for two years of quarterly influent, effluent, and biosolids sampling for all POTWs >1MGD.
- BACWA is working with Regional Water Board staff on a proposal to conduct a regional study through the RMP that would investigate regionally-relevant PFAS questions, since Bay Area POTW effluent does not impact drinking water sources.
- BACWA is collaborating with CASA and other statewide counterparts in holding discussions with SWRCB. CASA is working on a proposal that would provide monitoring offramps for agencies without significant industrial sources, and with no nexus between their effluent and drinking water.
- BACWA will continue tracking developments at the State and Regional level, including an upcoming PFAS informational workshop at the Regional Water Board meeting on May 13, 2020.

### Links/Resources

- SWRCB website: [https://www.waterboards.ca.gov/pfas/](https://www.waterboards.ca.gov/pfas/)
- OEHHA Notification Levels for Drinking Water: [https://oehha.ca.gov/water/notification-levels-chemicals-drinking-water](https://oehha.ca.gov/water/notification-levels-chemicals-drinking-water)
- EPA PFAS Resources: [https://www.epa.gov/pfas](https://www.epa.gov/pfas)
### SSS WDR REISSUANCE

- The State Water Board plans to reissue the SSS WDR in 2021.
- They have sought out early stakeholder engagement through outreach to CASA and the Regional Associations, and NGOs.
- Goals for the update are:
  - Effective spill response
  - Proactive planning and management
  - Transparent reporting
  - “Feasible and reasonable” regulations - good faith effort to comply - personnel, budget, equipment by governing board

- The State Water Board has identified the following as key issues to be included:
  - Reporting of PSL spills
  - Improvement of CIWQS data quality
  - Study of the impact of exfiltration
  - Updated SSMPs that are more enforceable
  - Potential incentives for well performing systems

- CASA provided proposed redlines to the SSS WDR on the text of the SSS WDR, as well as the proposed SSMP outline. They have been meeting with the State Water Board regularly during 2019.

- Comment on draft SSS WDR when available for public comment (now likely in mid to late 2020.)
- Discuss response to issues such as exfiltration via BACWA’s Collection Systems Committee.

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**Links/Resources**

- SWB SSS WDR page: [https://www.waterboards.ca.gov/water_issues/programs/sso/](https://www.waterboards.ca.gov/water_issues/programs/sso/)
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<td>In August 2015, the State Water Board contracted with Southern California Coastal Water Research Project (SCCWRP) to establish and facilitate an Expert Review Panel to conduct an examination of ELAP, California’s laboratory certification body.</td>
<td>Draft Regulations that included adopting most of the TNI standard for laboratories were released for public comment on October 11, 2019. Minimal revisions were proposed in February 2020 and regulations were adopted May 2020.</td>
<td>The newly-adopted regulations are estimated to take effect October 2020, although a date has not yet been set. BACWA will track progress (review by Office of Administrative Law).</td>
<td>State Water Board’s ELAP page: <a href="http://www.waterboards.ca.gov/drinking_water/certlic/labs/elap_regulations.html">http://www.waterboards.ca.gov/drinking_water/certlic/labs/elap_regulations.html</a></td>
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<td>The Expert Review Panel concluded that ELAP’s current regulations are inadequate. The Panel recommended that ELAP adopt the laboratory standard established by The NELAC Institute (TNI) as the most viable option for California.</td>
<td>Adoption of TNI standards poses a challenge since there are more than 1000 individual requirements in the full document. Initial costs may include: o hiring staff to handle TNI-related paperwork; o hiring consultants to setup the TNI documentation framework; o purchasing Laboratory Information Management System (LIMS) software; o purchasing documents and training material from TNI, etc.</td>
<td>Work through BACWA’s Laboratory Committee to explore ways to mitigate the burden of the newly-adopted requirements.</td>
<td>BACWA Comment letter on Draft Regulations: <a href="https://bacwa.org/wp-content/uploads/2019/12/BACWA-comments-ELAP-Regs-12-20-19.pdf">https://bacwa.org/wp-content/uploads/2019/12/BACWA-comments-ELAP-Regs-12-20-19.pdf</a></td>
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<td>The Environmental Laboratory Technical Advisory Committee (ELTAC) was established to assist ELAP in technical matters that impact the laboratory community. The committee is composed of representatives from the laboratory community and data users, and have represented the POTW laboratory community during this process.</td>
<td>The new standards could be a particular burden on small municipal laboratories, which may choose to close if they cannot economically meet the new standards.</td>
<td></td>
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<tr>
<td>AB 1438 was signed into law on Sept 28, 2017 and became effective January 1, 2018. The bill sets the stage for ELAP to adopt TNI standards.</td>
<td>BACWA submitted comments on the draft regulations aimed at improving clarity and implementability of TNI. The comments also addressed the enforcement provisions and lack of due process therein.</td>
<td>BACWA attended January 17, 2020, stakeholder meeting with State Water Board members and staff to review in more depth the CA QMS alternative.</td>
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<tr>
<td>Background Highlights</td>
<td>Challenges and Recent Updates</td>
<td>Next Steps for BACWA</td>
<td>Links/Resources</td>
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</table>
| PHASE-OUT OF BIOSOLIDS AS ALTERNATIVE DAILY COVER | • Regulatory drivers are indicating that biosolids used as alternative daily cover (ADC) or disposed in landfills will be phased out:  
  o AB 341 set a goal to recycle 75% of solid waste by 2020 and CalRecycle’s plan to achieve that goal called for a marked, but unquantified, reduction of organics to landfills.  
  o SB 1383, adopted in September 2016 requires organics diversion: -50% by 2020 (relative to 2014) -75% by 2025 (relative to 2014)  
  o In 2020, CalRecycle will count green waste as disposal (per AB 1594), rather than diversion, even when used as ADC. | • While the regulations don’t explicitly forbid biosolids disposal/reuse in landfills, it is assumed that since biosolids are a relatively “clean” waste stream that can be easily diverted, landfills will stop accepting biosolids.  
  • In the 2018 BACWA Biosolids survey, more agencies reported that they are developing plans for the phase-out than in the 2016 Survey.  
  • The latest draft of proposed regulations was posted on April 20, 2020, with adoption on July 1, 2020. The regulation will become effective in 2022, and enforceable in 2024. Issues of concern are:  
  o Diverted biosolids must be anaerobically digested and/or composted to qualify as landfill reduction.  
  o Language that would prohibit local ordinances restricting biosolids land application has been softened.  
  o Procurement of renewable natural gas for renewable energy generation, use as a low carbon fuel, and pipeline injection has been included in the draft language. Regarding biosolids cake/products, procurement requirements are implied for biosolids compost only.  
  2018 BACWA Biosolids Survey: https://www.surveymonkey.com/r/7Q3PDY9  
  BABC website: http://www.bayareabiosolids.com/  
### CLIMATE CHANGE MITIGATION

<table>
<thead>
<tr>
<th>Background Highlights</th>
<th>Challenges and Recent Updates</th>
<th>Next Steps for BACWA</th>
<th>Links/Resources</th>
</tr>
</thead>
</table>
| **CARB’s Climate Change Scoping Plan Update** lays out the approach for the State to meet its greenhouse gas (GHG) emissions reduction targets through 2030, including additional policies to achieve 40% reduction below 1990 levels by 2030:  
  -短-lived climate pollutants (i.e., methane)  
  -Carbon sequestration on Natural and Working Lands  
  -Largest emitters (transportation, electricity, and industrial sectors)  | **CARB states POTWs are part of the solution for reducing fugitive methane, and encourages diversion of organics to POTWs to use excess digester capacity and produce biogas. However, diversion also increases biosolids, which also need to be diverted from landfills.**  
  -Many POTWs are exploring energy generation, but BAAQMD TAC regulations could make such programs more difficult to implement. Direct injection of biogas to PG&E’s pipelines or use as a transportation fuel may be more efficient. OSHA’s PSM Standards, triggered by use of biogas offsite (if managing over 10k lbs of biogas onsite), may cause pipeline injection to be cost-prohibitive. CalOSHA may provide options for being exempt from PSM standards.  | **Work with CASA to look for opportunities for POTWs to help the State meet GHG reduction goals.**  
  -Look for opportunities to inform BAAQMD on the opportunities and challenges for climate change mitigation by Bay Area POTWs.  
  -Work with PG&E and BAAQMD to explore options for POTWs to inject biogas into PG&E pipelines. Note: CASA has been discussing the barriers to pipeline injection with CPUC staff and they have proposed reducing their standard from 990 Btu/scf to 970 Btu/scf.  | **Climate Change Scoping Plan:** [https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf](https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf)  
  **CARB Short Lived Climate Pollutant Reduction Strategy:** [https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf](https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf)  
| **SB 1383 (Short-Lived Climate Pollutant Reduction) calls for:**  
  -40% methane reduction by 2030  
  -75% diversion of organic waste from landfills by 2025  
  -Policy and regulatory development encouraging production/use of biogas  | **BAAQMD developed a Clean Air Plan that requires GHG emissions reduction on track with CARB’s 2030 and 2050 targets.**  
  **BAAQMD has proposed the development of Regulation 13 (climate pollutants) targeting GHG emission reductions related to organics diversion and management.**  | **Engage in development of Regulation 13 Rules, which are intended to govern climate pollutants, odors, VOCs and TACs from POTWs and anaerobic digesters. Continue to work with BAAQMD staff to provide information and education about anaerobic digesters and POTW operations. Participate in the Methane Expert Panel and the Organic Recovery Technical Working Group, as well as comment on draft Rules.**  |  |
| **CARB’s previous interest in nitrous oxide emission estimates and/or emission factors for POTWs has shifted to toxic air contaminants. See BAAQMD Rule 11-18.**  
  **BAAQMD is developing a suite of Rules under Regulation 13 for climate pollutants methane and nitrous oxide:**  
  -Rule 13-1 (significant methane releases) - Postponed indefinitely in favor of source specific rules.  
  -Rule 13-3 (composting operations) and Rule 13-4 (anaerobic digestion and sewage treatment) – Suspended due to COVID-19.  |  |  |  |
<table>
<thead>
<tr>
<th>CLIMATE CHANGE ADAPTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>In 2017, the State Water Board adopted a Climate Change Resolution addressing mitigation and adaptation. One of the requirements is that Regional Water Boards will make recommendations to the State Water Board on the need to modify permits and other regulatory requirements to reduce vulnerability of water and wastewater infrastructure to flooding, storm surges, and sea level rise.</td>
</tr>
<tr>
<td>The Regional Water Board identified Climate Change and Wetland Policy Update as the highest priority Basin Planning project in their 2018 Triennial Review.</td>
</tr>
<tr>
<td>In April 2019, Governor Gavin Newsom signed Executive Order N-10-19 directing State Agencies to recommend a suite of priorities and actions to build a climate-resilient water system and ensure healthy waterways through the 21st century.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Challenges and Recent Updates</th>
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<tbody>
<tr>
<td>The State Water Board is planning a data request that they will send to all permitted facilities (collection systems and POTWs) in the State to better understand to what extent agencies are performing climate change vulnerability assessments and/or investing in adaptation measures. They plan to use this information to determine the need for funding assistance or permit requirements for climate change planning.</td>
</tr>
<tr>
<td>The Regional Water Board hosted a workshop on its Wetlands Policy 94-086 on August 14 and solicited stakeholder input on potential revisions to the Policy.</td>
</tr>
<tr>
<td>BACWA provided the Regional Water Board staff specific case studies of wetlands projects that are being considered as well as written comments regarding Policy revisions that would help incentivize the development of wetlands projects by wastewater agencies, and reduce permitting hurdles.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Next Steps for BACWA</th>
</tr>
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<tbody>
<tr>
<td>Continue to coordinate with State Water Board on the status of their data request on climate change planning, so members can provide the information they request as effectively as possible.</td>
</tr>
<tr>
<td>Continue to work with Regional Water Board to look for regulatory solutions to encourage wetlands projects for shoreline resiliency.</td>
</tr>
<tr>
<td>BACWA to review Governor’s Water Resilience Portfolio initiative, released in 2020.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Links/Resources</th>
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<tbody>
<tr>
<td>Regional Water board Wetlands Policy Page: <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/climate_change/wetland_policies.html">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/climate_change/wetland_policies.html</a></td>
</tr>
<tr>
<td>Governor’s Draft Water Resilience Portfolio: <a href="http://waterresilience.ca.gov/">http://waterresilience.ca.gov/</a></td>
</tr>
</tbody>
</table>
### TOXIC AIR CONTAMINANTS - BAAQMD RULE 11-18 AND AB 617

<table>
<thead>
<tr>
<th>Background Highlights</th>
<th>Challenges and Recent Updates</th>
<th>Next Steps for BACWA</th>
<th>Links/Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulation 11, Rule 18 (Rule 11-18), adopted November 15, 2017, is BAAQMD's effort to protect public health from toxic air pollution from existing facilities, including POTWs.</td>
<td>BACWA developed a White Paper on the BAAQMD Rule to describe its potential impacts on the POTW community.</td>
<td>Priority: Agencies should use the tool developed by the AIR Committee's Emissions Inventory Subcommittee to address emission contributions from influent flows, which will be used to update emissions inventory values.</td>
<td>BAAQMD Rule 11-18 page: <a href="http://www.baaqmd.gov/rules-and-compliance/rule-development/rules-under-development/regulation-11-rule-18">http://www.baaqmd.gov/rules-and-compliance/rule-development/rules-under-development/regulation-11-rule-18</a></td>
</tr>
<tr>
<td>Per the Rule, BAAQMD will use toxic emissions inventories and proximity to the nearest receptor (residents or offsite workers) to conduct site-specific Health Risk Screening Analyses (HRSA). From HRSA, BAAQMD will determine each facility’s prioritization score (PS). BAAQMD will conduct Health Risk Assessments (HRAs) for all facilities with a cancer PS&gt;10 or non-cancer PS&gt;1.0. After verifying the model inputs, if the facility still has PS above that threshold, that facility would need to implement a Risk Reduction Plan that may include employing Best Available Retrofit Control Technology for Toxics (TBARCT).</td>
<td>In response to a request by BAAQMD, the AIR Committee delivered a letter report summarizing specific challenges that POTWs would face in complying with the rule due to budgeting and planning constraints related to being public agencies.</td>
<td>Respond to BAAQMD data request in early 2020. There will be a 60-day turn-around to comply with the data request.</td>
<td>Rule 11-18 Process Flowchart: <a href="https://bacwa.org/document/11-18-process-flowchart-08-17-17/">https://bacwa.org/document/11-18-process-flowchart-08-17-17/</a></td>
</tr>
<tr>
<td>AB 617 (Community Air Protection Program) – requires CARB to harmonize community air monitoring, reporting, &amp; local emissions reduction programs for CAPs and TACs (and GHGs). Oakland and Richmond. POTWs within these communities may have to accelerate implementation of risk reduction measures.</td>
<td>In response, BAAQMD moved all POTWs to Phase 2 to give sufficient time to update the model’s inputs, and plan for emissions reduction or TBARCT, as needed. <strong>Phase 2 begins in 2020</strong> with data collection and verification, followed by the development of HRAs for facilities with a cancer PS&gt;10 or non-cancer PS&gt;1.0. Implementation of the Rule for Phase 2 facilities will be spread out over two years depending on the prioritization score.</td>
<td>Track both AB 617’s regulation development and expansion of the toxics compound list under AB 2588’s Air Toxics Hot Spots Program. Draft regulatory language under AB 617 stated all uncovered POTWs &gt;5 MGD and covered (primary) POTWs &gt;10 MGD must monitor and report all compounds listed under AB 2588. The language had been temporarily removed, but 2020 amendments propose bringing the language back. CARB has agreed to work with the wastewater sector to develop a short-list of relevant compounds and perform a pooled emissions estimating effort to update outdated default emission factors. CASA is facilitating development of a work group to pursue this effort. Results could inform Rule 11-18 HRA’s.</td>
<td>BACWA White Paper: <a href="https://bacwa.org/wp-content/uploads/2017/01/11-18-White-Paper_final-2.pdf">https://bacwa.org/wp-content/uploads/2017/01/11-18-White-Paper_final-2.pdf</a></td>
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### Background Highlights

<table>
<thead>
<tr>
<th>Challenges and Recent Updates</th>
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<tr>
<td>Next Steps for BACWA</td>
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<td>Links/Resources</td>
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</tbody>
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#### RECYCLED WATER GENERAL ORDER

- In response to the Governor's proclamation of a Drought State of Emergency, the State Water Board adopted a General Order on June 3, 2014 to streamline permitting for recycled water. The State Water Board reissued the General Order on June 7, 2016, making enrollment mandatory for Regional Permittees.
- In May 2018, the State Water Board released Recycled Water Policy Amendments for Public Comment. The Recycled Water Policy governs the Recycled Water General Order.
- The Amendments were adopted in December 2018.

#### Key issues in the Recycled Water Policy Amendments are:

- Introduces goal to increase recycled water where wastewater is otherwise discharged to ocean, bays, and estuaries.
- Adds to the procedural burdens in obtaining Wastewater Change Petition.
- Removes requirement for priority pollutant monitoring.

- On April 8, 2020, SF Regional Water Board transitioned 96-011 permittees to the State General Order by issuing a NOA and modified MRP. BACWA had previously provided comments on the draft NOA and MRP documents. All permittees were transitioned with the exception of City of Livermore, Delta Diablo, Napa Sanitation, and SASM who have older Title 22 Engineering Reports; they will be enrolled at a later date following a review by DDW.

- Support member agencies as they implement new monitoring and reporting requirements.

#### 2016 State Recycled Water General Order:

State Recycled Water Policy Amendment Page:
https://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/index.html#amendment

BACWA comments on Recycled Water Policy Amendments:

State Water Board 2001 Engineering Report Guidelines:

“Parking lot” issues with no updates can be found in previous BACWA issues summaries.
## ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>ADC</td>
<td>Alternate Daily Cover</td>
</tr>
<tr>
<td>BAAQMD</td>
<td>Bay Area Air Quality Management District</td>
</tr>
<tr>
<td>BTU/SCF</td>
<td>British thermal units per standard cubic foot</td>
</tr>
<tr>
<td>CARB</td>
<td>California Air Resources Board</td>
</tr>
<tr>
<td>CASA</td>
<td>California Association of Sanitation Agencies</td>
</tr>
<tr>
<td>CAP</td>
<td>Criteria Air Pollutant</td>
</tr>
<tr>
<td>CEC</td>
<td>Compound of Emerging Concern</td>
</tr>
<tr>
<td>CIWQS</td>
<td>California Integrated Water Quality System</td>
</tr>
<tr>
<td>CVCWA</td>
<td>Central Valley Clean Water Agencies</td>
</tr>
<tr>
<td>CWEA</td>
<td>California Water Environment Association</td>
</tr>
<tr>
<td>EC25/IC25</td>
<td>25% Effect Concentration/25% Inhibition Concentration</td>
</tr>
<tr>
<td>ELAP</td>
<td>Environmental Laboratory Accreditation Program</td>
</tr>
<tr>
<td>ELTAC</td>
<td>Environmental Laboratory Technical Advisory Committee</td>
</tr>
<tr>
<td>EPA</td>
<td>United States Environmental Protection Agency</td>
</tr>
<tr>
<td>FIFRA</td>
<td>Federal Insecticide, Fungicide, and Rodenticide Act</td>
</tr>
<tr>
<td>FY</td>
<td>Fiscal Year</td>
</tr>
<tr>
<td>GHG</td>
<td>Greenhouse Gas</td>
</tr>
<tr>
<td>HRSA</td>
<td>Health Risk Screening Analyses</td>
</tr>
<tr>
<td>HRA</td>
<td>Health Risk Assessment</td>
</tr>
<tr>
<td>MCL</td>
<td>Minimum Contaminant Level (Drinking Water)</td>
</tr>
<tr>
<td>NACWA</td>
<td>National Association of Clean Water Agencies</td>
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<tr>
<td>NELAC</td>
<td>National Environmental Laboratory Accreditation Conference</td>
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<tr>
<td>PCB</td>
<td>Polychlorinated Biphenyl</td>
</tr>
<tr>
<td>POTW</td>
<td>Publically Owned Treatment Works</td>
</tr>
<tr>
<td>PS</td>
<td>Prioritization Score</td>
</tr>
<tr>
<td>QMS</td>
<td>Quality Management System</td>
</tr>
<tr>
<td>RMP</td>
<td>Regional Monitoring Program</td>
</tr>
<tr>
<td>RPA</td>
<td>Reasonable Potential Analysis</td>
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<tr>
<td>SCAP</td>
<td>Southern California Alliance of POTWs</td>
</tr>
<tr>
<td>SF Bay</td>
<td>San Francisco Bay</td>
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<tr>
<td>SFEI</td>
<td>San Francisco Estuary Institute</td>
</tr>
<tr>
<td>TAC</td>
<td>Toxic Air Contaminant</td>
</tr>
<tr>
<td>TMDL</td>
<td>Total Maximum Daily Load</td>
</tr>
<tr>
<td>TIN</td>
<td>Total Inorganic Nitrogen</td>
</tr>
<tr>
<td>TNI</td>
<td>The NELAC Institute</td>
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<tr>
<td>TST</td>
<td>Test of Significant Toxicity</td>
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ITEM NO. RA7 RECYCLED WATER REPORTING

Recommendation
For the Committee’s information only; no action is required.

Background
The State Water Resources Control Board’s Water Quality Control Policy for Recycled Water (Recycled Water Policy), adopted in 2018, set the following goals for the state:

3.1.1. Increase the use of recycled water from 714,000 acre-feet per year (afy) in 2015 to 1.5 million afy by 2020 and to 2.5 million afy by 2030.

3.1.2. Reuse all dry weather direct discharges of treated wastewater to enclosed bays, estuaries and coastal lagoons, and ocean waters that can be viably put to a beneficial use. For the purpose of this goal, treated wastewater does not include discharges necessary to maintain beneficial uses and brine discharges from recycled water facilities or desalination facilities.

3.1.3. Maximize the use of recycled water in areas where groundwater supplies are in a state of overdraft, to the extent that downstream water rights, instream flow requirements, and public trust resources are protected.

To measure progress against these goals, the Policy also included a new requirement for wastewater and recycled water permittees (including wastewater permittees that do not produce any recycled water) to annually report monthly volumes of influent, wastewater produced, and effluent, including treatment level and discharge type. As applicable, permittees are required to annually report recycled water use by volume and category of use. The first of these reports was due to the State Water Board on April 30, 2020.

Discussion

The following figures were reported for EBDA Member Agencies’ 2019 water recycling:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Total Influent Volume</th>
<th>Volume Discharged to EBDA</th>
<th>Total Recycled</th>
<th>Total Influent Volume</th>
<th>Volume Discharged to EBDA</th>
<th>Total Recycled</th>
<th>% Recycled</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MGD</td>
<td>Acre-feet</td>
<td></td>
<td>MGD</td>
<td>Acre-feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hayward</td>
<td>4231</td>
<td>4002</td>
<td>250</td>
<td>12984</td>
<td>12283</td>
<td>766</td>
<td>6%</td>
</tr>
<tr>
<td>Oro Loma</td>
<td>4843</td>
<td>4785</td>
<td>75</td>
<td>14861</td>
<td>14686</td>
<td>231</td>
<td>2%</td>
</tr>
<tr>
<td>San Leandro</td>
<td>1966</td>
<td>1870</td>
<td>95</td>
<td>6032</td>
<td>5740</td>
<td>292</td>
<td>5%</td>
</tr>
<tr>
<td>Union</td>
<td>8520</td>
<td>8642</td>
<td>1073</td>
<td>26520</td>
<td>24421</td>
<td>3293</td>
<td>13%</td>
</tr>
</tbody>
</table>

The reported volumes include in-plant use at all agencies, Hayward deliveries to Russell City Energy Center for industrial use, San Leandro’s deliveries to Monarch Bay Golf Club and EBDA’s deliveries to Skywest Golf Course for irrigation, and USD’s deliveries to Hayward Marsh.
Pursuant to the Governor’s Executive Order N-25-20 the Operations & Maintenance Meeting scheduled for June 16th at 9:00 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. # 871 8221 0610. Members of the public are encouraged to dial in to the meeting using the same number. https://us02web.zoom.us/j/87182210610

ITEM NO. 13
OPERATIONS & MAINTENANCE COMMITTEE AGENDA
Tuesday, June 16, 2020
9:00 A.M.

East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580

Committee Members: Cutter (Chair); Walters

OM1. Call to Order
OM2. Roll Call
OM3. Public Forum
OM4. EBDA Performance
(The Committee will be updated on EBDA’s NPDES report.)
OM5. Status Report
(The Committee will be updated on EBDA’s O&M activities.)
OM6. Resolution Approving the Renewal and Replacement Fund Project List for Fiscal Year 2020/2021
(The Committee will consider a resolution approving the Renewal andReplacement Fund Project List for FY 2020/2021.)

OM7. Resolution Authorizing the General Manager to Exercise a One-Year Option to Extend the Authority’s Purchase Order with Univar Solutions USA, Inc. for Sodium Bisulfite 25% Solution in FY 2020/2021 in the Amount of $250,000
(The Committee will consider a resolution to extend the purchase order.)

OM8. Resolution Authorizing the General Manager to Issue a Purchase Order to Buckles-Smith in the Amount of $15,372 for a New Variable Frequency Drive Transformer and Field Service for Effluent Pump No. 2 at the Alvarado Effluent Pump Station
(The Committee will consider a resolution to issue a purchase order.)

OM9. Resolution Authorizing the General Manager to Execute a Transfer Agreement with the City of San Leandro
(The Committee will consider a resolution to enter into a Transfer Agreement for the San Leandro Effluent Pump Station and pipeline.)
OM10. Adjournment

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at the EBDA office at (510) 278-5910 or kyambao@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at http://www.ebda.org.)

The next O&M Committee meeting will be held
Tuesday, July 14, 2020, at 9:00 a.m.
ITEM NO. OM4 EBDA PERFORMANCE

Recommendation
For the Committee’s information only; no action is required.

Permit Compliance Issues
There were no NPDES permit violations in April and preliminary data from May are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators is also included. Sodium hypochlorite dosing has been increased as the temperatures have started to rise to prevent bacterial outbreaks during the summer months. EBDA staff continues to appreciate Member Agency lab staff, and especially San Leandro lab staff for diligently continuing all sampling and analyses during the Shelter-in-Place order to ensure protection of the Bay.

EBDA CBOD (Limit=25 ppm)
## EBDA Bacterial Indicators

<table>
<thead>
<tr>
<th>Date</th>
<th>FECAL MPN/100mL</th>
<th>ENTERO MPN/100mL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limit (90th Percentile)</td>
<td>1100</td>
<td></td>
</tr>
<tr>
<td>Limit (Geomean)</td>
<td>500</td>
<td>240</td>
</tr>
<tr>
<td>June 2019, Geomean</td>
<td>16</td>
<td>3</td>
</tr>
<tr>
<td>July 2019, Geomean</td>
<td>9</td>
<td>&lt; 3</td>
</tr>
<tr>
<td>August 2019, Geomean</td>
<td>32</td>
<td>&lt; 3</td>
</tr>
<tr>
<td>Sept 2019, Geomean</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>Oct 2019, Geomean</td>
<td>35</td>
<td>2</td>
</tr>
<tr>
<td>Nov 2019, Geomean</td>
<td>32</td>
<td>2</td>
</tr>
<tr>
<td>Dec 2019, Geomean</td>
<td>18</td>
<td>&lt; 2</td>
</tr>
<tr>
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<tr>
<td>May 2020 Geomean</td>
<td>40</td>
<td>2</td>
</tr>
</tbody>
</table>
ITEM NO. OM5 STATUS REPORT

Alvarado Effluent Pump Station (AEPS)

Effluent Pump No. 2 Variable Frequency Drive (VFD)
Staff is recommending approval of a resolution authorizing the General Manager to issue a purchase order to Buckles-Smith in the amount of $15,372 for a new VFD transformer and field service for Effluent Pump No. 2. See Item No. OM8.

Hayward Effluent Pump Station (HEPS)

Motor Control Center (MCC) Replacement Project
The thermographic imaging of the electrical equipment in the new MCC building and the training on the new MCC equipment and pump station valves are scheduled for the end of June. After completion of these items, only some minor “punch list” items will remain, such as repair of the west end MCC building doors and completion of the as-built plans.

Oro Loma Effluent Pump Station (OLEPS)

Emergency Generator Tachometer Upgrade
On May 19, 2020, Scot Campbell with Bay Power, LLC, completed the installation of the new electronic tachometer/speed switch. The work was originally scheduled for March 19, 2020, however this upgrade was postponed due to the COVID-19 Shelter-in-Place order. The generator has been tested several times since the upgrade was completed and it has performed without incident each time. OLEPS is currently connected to the redundant source of emergency power from OLSD as its primary source of emergency power to test the new connection under power failure conditions. Once the OLSD power connection is demonstrated to work during a failure, that connection will become the backup, and the system will default to the OLEPS generator in the event of a power failure.

San Leandro Effluent Pump Station (SLEPS)

Emergency Generator Failure
On May 22, 2020, the CSL operations staff was conducting a routine test run of the SLEPS emergency generator. During the test, the generator shut down on low coolant level, but the coolant level was full. A Peterson Power service technician inspected the generator and recommended replacing the coolant level sensor. A portable generator was delivered from Sunbelt Rentals, and the CSL maintenance staff connected it to SLEPS. The coolant level sensor was ordered and was received on May 29, 2020. The Peterson Power service technician installed the new sensor, but the generator continues to shut down on low coolant. The next step is to schedule a service call with Collicutt Energy Services, Inc. (Collicutt), the company that supplied the generator to EBDA, to troubleshoot the issue.
Skywest Pump Station

Recycled Water Production
During the month of May 2020, the Skywest Recycled Water System produced 2.53 million gallons of recycled water.

Recycled Water Pipeline Leak
As discussed last month, on May 12, 2020, a leak was discovered on the Skywest recycled water pipeline. The leak was repaired and the system was back online later that afternoon. The leak occurred on the side of the approach to the bridge over the Bockman Canal on OLSD property. Due to concerns over the stability of the embankment, an emergency repair of the bridge approach was completed on June 4, 2020. EBDA and OLSD worked cooperatively on the repair, and EBDA will be filing an insurance claim for the incident.

![Embankment Repair](image)

Marina Dechlorination Facility (MDF)
No change; all equipment is operational.

Force Main

Transport System Repair Coupling & Seals
The 60-inch Romac encapsulating force main repair coupling and flexible internal force main seals have been ordered, and staff will provide lead times when they become available.
Operations Center

EBDA Office Dry Rot Repair & Window Replacement
On May 19, 2020, the bottom portion of four of the windows in the EBDA office were replaced with new windows that open and allow fresh air to circulate. The cost of replacing the four windows was $2,530, including installation. The window installer is going to return in the next couple of weeks to repair the top portion of the window in the General Manager’s office. This window was replaced a long time ago, and at that time, some of the weather stripping was missing and replaced with caulk. The caulk is in poor condition, and this repair will ensure that the window is watertight.
The contractor that is repairing the dry rot ordered flashing samples to be sent to the EBDA office so the color can be matched with the existing window frames. Once the new flashing arrives, the contractor will start the dry rot repair.

**Miscellaneous Items**

**Underground Service Alerts**
EBDA received thirty-two (32) Underground Service Alert (USA) tickets during the month of May 2020. Two required field verification.

**COVID-19 Response**
Authority staff is continuing to implement the Pandemic Response Plan, which includes staff working from home and alternating time in the office to ensure social distancing. Signage regarding closure of the office to the public and the Authority’s social distancing measures has been posted on the office door. All meetings are being conducted by phone and web conference.

Staff is also continuing to track research efforts utilizing data on the prevalence of SARS-CoV-2 virus in wastewater to identify and anticipate COVID-19 community trends, termed wastewater-based epidemiology. On June 2, 2020, the California Association of Sanitation Agencies (CASA) sent a letter to the Centers for Disease Control requesting their leadership and funding to coordinate efforts on wastewater-based epidemiology. The letter and associated fact sheet are attached.

More information on research related to COVID-19 and wastewater can be found here. [https://casaweb.org/research/](https://casaweb.org/research/). This site is part of an overall resource page that the (CASA) has set up for agencies and is continually updated here: [https://casaweb.org/covid-19/](https://casaweb.org/covid-19/).

**Special Projects**

**Advanced Quantitative Precipitation Information (AQPI) Project**
The regional AQPI project, to improve prediction of rainfall events in the Bay Area, continues to move forward. The Cooperative Agreement for installation of the X-band radar in the East Bay has been approved by the East Bay agencies, but approval by Sonoma County Water District, the implementing agency, has slowed due to the COVID-19 emergency. Approval is now slated for June, with installation of the X-band at Rocky Ridge now estimated for September.

Planning is also underway on a regional partnership agreement to fund the O&M of the system beyond 2021, when the original Department of Water Resources grant concludes. A User Group to discuss format and delivery of data for maximum benefit to wastewater agencies is also being formed.
June 2, 2020

Dr. Robert Redfield, Director  
Centers for Disease Control and Prevention (CDC)

via electronic submission: olx1@cdc.gov

Subject: Wastewater Based Epidemiology (WBE)

Dear Director Redfield:

The California Association of Sanitation Agencies (CASA) strongly recommends the Centers for Disease Control and Prevention (CDC) work with the wastewater sector, global research community, and state public health officials in utilizing WBE as a cost-effective additional metric to assess community outbreak of SARS-CoV-2 (COVID-19). CASA is an association of local agencies engaged in advancing the recycling of wastewater into usable water, as well as the generation and beneficial use of renewable energy, biosolids, and other valuable resources. Through these efforts, we help create a clean and sustainable environment for Californians.

Municipal wastewater treatment provides essential public services across the nation and can offer an alternative metric for assessing shelter in place policies. Many wastewater agencies in California, across the nation, and the globe are pursuing analysis of their influent wastewater (i.e., WBE) to determine the presence or absence of COVID-19, and if the trend is increasing, decreasing, or plateauing in their community. This will become increasingly important in anticipation of a possible second wave in the fall. Please see the attached Fact Sheet for further information.

Multiple university and private labs are offering analytical services but are using a variety of methods for sample collection, preservation, quality assurance and control, and analysis. For this to be a viable national metric, CDC should serve as the governing federal agency for these efforts. It is critical that the CDC provide clear guidance on standardizing baseline requirements to ensure comparable and credible results. CDC should also serve as the national repository for wastewater surveillance data, establishing minimum data needs, providing interpretation of results, and developing a web-based portal for receipt of data. By so doing, CDC can provide invaluable and necessary guidance to state and local health officials that better informs when it is safe to begin reopening their communities.

We strongly recommend support and necessary resources be directed to your staff so they may implement these measures. The wastewater sector stands ready to assist and to provide data as appropriate. Please contact Greg Kester of my staff with any questions or for further clarification at gkester@casaweb.org or at 916-844-5262.

Sincerely,

Adam D. Link
Executive Director

cc:  Admiral Giroir, Assistant Secretary of Health – HHS - ASh@hhs.gov
     Dr. Jay Butler, Deputy Director IDIM of COVID-19
     Dr. Mia Mattioli – CDC
     Dr. Amy Kirby – CDC
     Dr. Vince Hill – CDC
     Greg Kester, Director of Renewable Resource Programs, CASA
June 1, 2020

**Community Wastewater Surveillance as an Alternative Metric for Shelter-in-Place Policies**

The issue of determining when to relax or reimpose shelter-in-place policies during the Novel Coronavirus (SARS-CoV-2) pandemic has become a lightning rod across the globe as we enter the summer months. Individual testing, while increasing in parts of the United States, is still lacking in both availability and confidence. Municipal wastewater treatment provides essential public services across the nation and can offer a complementary metric for assessing those policies. This will become increasingly important in anticipation of a possible second wave in the fall.

**What is Wastewater Based Epidemiology?**

Individuals infected with COVID-19, both asymptomatic and symptomatic, shed strands of virus RNA in bodily excretions that find their way to the sewerage system. Testing the raw (influent) wastewater can detect the RNA of SARS-CoV-2 whether it is infectious or not. Such testing is known as Wastewater Based Epidemiology (WBE) and has been used for decades around the globe. WBE allows communities to track whether the scale of outbreak is declining, increasing, or staying level and is also more practical and cost-effective than testing every individual multiple times. Should an increase in the presence of the virus be discovered, existing protocols used commonly in the wastewater pretreatment program can be employed to identify the general location of the source so that individual testing can then be used for mitigation purposes. While influent testing does not determine infectivity, further testing can be done should that information be necessary to identify sources in the community.

**Where is Wastewater Based Epidemiology Being Used?**

The wastewater sector in California, across the U.S., and the globe is already utilizing WBE on a limited basis, with multiple universities and private labs offering such analyses. Laboratories and the wastewater sector are currently working with the federal government to establish baseline methodologies. However, there is a critical need for funding and federal coordination in order to effectively implement WBE. A coordinated effort is vital to provide a data repository and to ensure comparable results, standard methods guidelines, timely notifications, and data interpretation between labs.

**Why am I receiving this Information?**

We offer WBE as a viable additional metric to inform community, state, and federal policies to mitigate impacts from SARS-CoV-2. This letter serves to raise awareness of this option and to seek directed funding to establish national coordination, standard methods and increase lab capacity.

Please contact Greg Kester, with the California Association of Sanitation Agencies (CASA), at gkester@casaweb.org or at 916-844-5262 for further information.
ITEM NO. OM6 RESOLUTION APPROVING THE RENEWAL AND REPLACEMENT FUND PROJECT LIST FOR FISCAL YEAR 2020/2021

Recommendation
Approve the Renewal and Replacement Fund (RRF) project list for FY 2020/2021.

Background
The Authority’s Renewal & Replacement Fund list of projects for FY 2020/2021 has been developed consistent with the Authority’s ongoing Asset Management Plan (AMP), as overseen by the MAC. A draft of the RRF project list for FY 2020/2021 was reviewed at the May Committee Meeting.

Discussion
Staff is recommending Commission approval of a total expenditure of $900,000 for RRF projects for FY 2020/2021. This includes $100,000 for the Small Projects Fund (formally the contingency fund) for much of the smaller ancillary equipment and components that the Authority owns which are operated with the intent to ‘run to failure’ and for small and unforeseen projects. The proposed projects for FY 2020/2021, as identified by the AMP for renewal or replacement, are summarized in the following table.
## RRF Projects for FY 2020/2021

<table>
<thead>
<tr>
<th>Facility</th>
<th>Renewal Replacement Fund Items</th>
<th>Projected Completion Date</th>
<th>Estimated Costs</th>
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<tr>
<td>UEPS</td>
<td>Payment #1 of 10 Per JPA</td>
<td>July 2020</td>
<td>$ 420,000</td>
</tr>
<tr>
<td>OLEPS</td>
<td>Electrical Upgrades - Main Switchboard, 75 kW Generator, &amp; 2 New Automatic Transfer Switches</td>
<td>June 2021</td>
<td>$ 260,000</td>
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<tr>
<td>OLEPS</td>
<td>Wet Well Hypo System</td>
<td>December 2020</td>
<td>$ 40,000</td>
</tr>
<tr>
<td>OLEPS</td>
<td>Emergency Outfall Upgrade</td>
<td>June 2021</td>
<td>$ 30,000</td>
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<tr>
<td>OLEPS</td>
<td>Water System Upgrade</td>
<td>June 2021</td>
<td>$ 25,000</td>
</tr>
<tr>
<td>OLEPS</td>
<td>Paving Repair/Upgrade</td>
<td>December 2020</td>
<td>$ 10,000</td>
</tr>
<tr>
<td>MDF</td>
<td>Control Panel Automation</td>
<td>June 2021</td>
<td>$ 15,000</td>
</tr>
</tbody>
</table>

| FY2020/2021 Sub-Total | $ 800,000 |
| Small Projects Fund   | $ 100,000 |
| **FY2020/2021 Total** | **$ 900,000** |

---

**Agenda Explanation**

East Bay Dischargers Authority
O&M Agenda
June 16, 2020
UEPS (Formerly AEPS) – Payment #1 of 10 per JPA – $420,000
The Amended and Restated Joint Powers Agreement (JPA) states that “in fiscal years from 2020/21 through 2029/30, the Authority will pay Union a total of Four Million, Two-Hundred Thousand dollars ($4,200,000), divided in ten equal and annual installments, as a credit toward their annual budget contribution for Operation and Maintenance Costs, for all Capital Costs associated with the Union Effluent Pump Station during the Term of the Agreement.”

OLEPS – Electrical Upgrades – $260,000
Replacement of the breakers and refurbishment of the Main Switchboard, 2 new automatic transfer switches (ATS’s). Replacement of the 75 kW generator is also included and will be evaluated in further detail before the project proceeds. These upgrades will improve reliability of the station in the event of a power outage.

OLEPS – Wet Well Hypochlorite System – $40,000
Installation of a new hypochlorite (hypo) pump, flow meter, and programmable logic controller (PLC) to allow EBDA to automatically add hypo to the OLEPS wet well for bacteria control.

OLEPS – Emergency Outfall Upgrade – $30,000
Investigate the option of increasing the height of the overflow weir and implement if deemed feasible.

OLEPS – Water System Upgrade – $25,000
As part of a recent project, EBDA connected a #4 water line from OLSD to OLEPS. This project will complete the connection of the #4 water line inside OLEPS. The #4 water line will be used in the event the OLEPS water system fails to provide cooling water for the pump gear drives.

OLEPS – Paving Repair/Upgrade – $10,000
As part of the RRF Project List for Fiscal Year 2018/2019, $25,000 was budgeted to repair/replace the asphalt behind OLEPS next to the 8,000 gallon diesel storage tank. As part of OLSD’s Nutrient Optimization Project, the area between OLSD and OLEPS was paved in FY 2019/2020, and a portion of this project budget was used to pay for that time-sensitive paving project. The proposed additional $10,000 is to replenish that project fund to complete the paving behind OLEPS.

MDF – Control Panel Automation – $15,000
This project will connect the Sewage Pump Control Panel and the main vault Sump Pump Control Panels to the station PLC for better control and monitoring.
Small Projects Fund (formerly Contingency Fund) – $100,000
The purpose of the Small Projects Fund is to provide additional funding for unidentified projects and/or equipment that may need to be replaced or refurbished in FY 2020/2021. Much of the smaller ancillary equipment and components that the Authority owns are operated with the intent to “run to failure.” This is a common practice at wastewater facilities with these types of assets, which include fans, valves, actuators, and small pumps and motors. While preventive maintenance is completed on a regular basis, forecasting an exact date of failure is not possible. Therefore, equipment that can be readily procured and that has sufficient redundancy to meet system firm capacity is “run to failure”. In some cases, staff will purchase critical items and have them on the shelf, reducing system equipment downtime.
RESOLUTION APPROVING THE RENEWAL AND REPLACEMENT FUND PROJECT LIST FOR FISCAL YEAR 2020/2021

WHEREAS, the East Bay Dischargers Authority adopted Resolution 90-11, Resolution Establishing Policies for Renewal and Replacement Fund, on May 17, 1990; and

WHEREAS, Resolution No. 90-11 requires that the schedule be recalculated and reviewed annually based on updates to the master list of items on the schedule; and

WHEREAS, the Authority has developed current replacement costs based on the Authority’s Asset Management Plan and recent relevant quotes and actual project costs; and

WHEREAS, on May 21, 2020, the Commission approved an annual contribution of $750,000 to the Fund for FY 2020/2021; and

WHEREAS, the Authority’s Operations and Maintenance Committee has reviewed the replacement schedule and recommends approval of the FY 2020/2021 projects in the amount of $900,000; and

WHEREAS, approval of the schedule specifically authorizes replacement/refurbishment of only those items listed for FY 2020/2021.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby approves the Renewal & Replacement Fund Schedule for Fiscal Year 2020/2021.

SAN LORENZO, CALIFORNIA, JUNE 18, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____________________________  ______________________________
CHAIR  ATTEST:
EAST BAY DISCHARGERS COMMISSION  GENERAL MANAGER
EX OFFICIO SECRETARY
ITEM NO. OM7  RESOLUTION AUTHORIZING THE GENERAL MANAGER TO
EXERCISE A ONE-YEAR OPTION TO EXTEND THE AUTHORITY’S PURCHASE
ORDER WITH UNIVAR SOLUTIONS USA, INC. FOR SODIUM BISULFITE 25%
SOLUTION IN FY 2020/2021 IN THE AMOUNT OF $250,000

Recommendation
Adopt a resolution authorizing the exercise of a one-year option to extend the East Bay
Dischargers Authority’s Purchase Order with Univar Solutions USA, Inc. (Univar) in the
amount of $250,000 for the purchase of Sodium Bisulfite 25% solution in FY 2020/2021.

Background
For the past several years, EBDA has elected to work collectively with the Bay Area
Chemical Consortium (BACC) to obtain bids for Sodium Bisulfite 25% Solution (SBS).
The BACC is a consortium of over fifty water and wastewater agencies in Northern
California who use their common purchasing power to achieve better pricing for
treatment chemicals while reducing the costs of bidding processes. BACC was created
and managed by Dublin San Ramon Services District and was recently transitioned to
the umbrella of the Bay Area Clean Water Agencies (BACWA).

Discussion
In response to BACC’s FY 2019/2020 request for bids for SBS, Univar was selected as
the successful bidder and, as a result, EBDA issued a Purchase Order to Univar for its
SBS needs for FY 2019/2020 pursuant to Resolution 19-25 authorized by the
Commission on June 20, 2019. The BACC FY 2019/2020 bid language, which is
automatically incorporated into each agency’s agreement by reference, allowed the
option of extending each agency’s agreement with Univar on a year-to-year basis, not to
exceed three yearly renewals. The BACC bid language further allowed the price for any
succeeding periods of service to be determined by negotiation between the respective
parties.

Due to the COVID-19 pandemic, BACC canceled the bids it issued on March 18, 2020
for FY 2020/2021 on March 24, 2020. It recommended BACC agencies exercise their
options to extend contracts with suppliers for FY 2020/2021 and, Univar has agreed to
extend the current pricing, which is $1.11 per gallon, for an additional year.

Though actual spending on SBS over the past several years has been lower than
$250,000, staff is recommending maintaining the Purchase Order ceiling at $250,000
for this extension to conservatively allow for spending that may be necessary during a
particularly wet year. In FY 2016/2017, the wettest recent year, the Authority spent
$235,000.
March 24, 2020

To all members of the Bay Area Chemical Consortium,

The Bay Area Chemical Consortium (BACC) coordination team is informing you that we are canceling the bids for Fiscal Year Ending 2021 (FYE 2021) that was posted on Wednesday March 18, 2020 with Addendum No. 1 posted on the same day. We have reached this difficult decision in recognition of the high level of uncertainty and limited resources at both our member agencies as well as our chemical suppliers due to the current COVID-19 global crisis. This unprecedented crisis impacts every aspect of our operations and is of unknown duration. We are responding to feedback from our members and suppliers that this is not the time be reevaluating and renegotiating supply chains and logistics.

The current FYE 2020 bid document contained the following stipulation (Section 4.11):

The term of the contract between the respective BACC agency and the successful bidder will be twelve (12) months commencing July 1, 2019, and expiring June 30, 2020, with an option to extend the contract on a year-to-year basis, not to exceed three (3) yearly renewals if conditions and service are satisfactory to both the respective BACC agency and the successful bidder. The price for any succeeding periods of service shall be determined by negotiation between the respective BACC agency and the successful bidder.

BACC recommends that each participating agency exercise the extension option in their current contract with suppliers. We have reached out to Univar, Chemtrade, Thatcher, and Olin Chlor regarding their willingness to extend FYE 2020 prices for another year. So far, Univar has committed to extend the prices. We will pass along communications from our FYE 2020 chemical suppliers as we receive them.

To the agencies that are new participants this year and do not have an existing BACC contract, let us know if there is anything we can do to help.

We very much appreciate all the work your agency has put into providing information to support the FYE 2021 bid and are hopeful that we will be able to successfully coordinate a new bid for FYE 2022. Thank you for your understanding.

Addendum No. 2 for Notice of Bid Cancellation will be issued as soon as possible within this week.

Best regards,

Lorien Fono, BACWA Executive Director
Jeff Carson, Operations Manager, Dublin San Ramon Services District
Gemma Lathi, Administrative Analyst II, Dublin San Ramon Services District

Attachments:
Univar extension letter 3/19/20
Chemtrade extension offer 3/24/20
Thatcher reply 3/24/20
Olin Chlor reply 3/24/20
May 11, 2020

East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA 94580

RE: 2020-2021 Sodium Bisulfite Renewal

Dear Howard;

Univar USA Inc. is pleased to offer the following prices for 1 year on Sodium Bisulfite.

<table>
<thead>
<tr>
<th>CHEMICAL</th>
<th>QUANTITY</th>
<th>RENEWAL PRICE</th>
<th>UNIT</th>
<th>MIN. ORDER REQUIREMENT?</th>
<th>COMMENTS</th>
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</thead>
<tbody>
<tr>
<td>16141689 Sodium Bisulfite 25%</td>
<td>Per Original agreement</td>
<td>$1.11</td>
<td>Per Gallon Delivered</td>
<td>3,500-5,000 gal</td>
<td>Price stayed the same</td>
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<tr>
<td>NSF grade</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>16142224 Sodium Bisulfite 25%</td>
<td>Per Original agreement</td>
<td>$1.11</td>
<td>Per Gallon Delivered</td>
<td>250-1,000 gal</td>
<td>Price stayed the same</td>
</tr>
<tr>
<td>NSF grade</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Univar will hold this pricing firm for the renewal term of July 1, 2020-June 30, 2021.

Per contract, any delivery that is less than 2,000 gallons, there will be an LTL fee of $325.00.

All other information presented with/within the original bid/offer, including the agreed upon terms, conditions etc. remain the same.

Thank you for the opportunity to extend the current contract and to continue to supply the East Bay Dischargers Authority. We very much appreciate it.

Sincerely,

Jennifer Perras
Municipal Specialist
Western Region
Univar Solutions USA Inc.
P – (253) 872-5000
F – (253) 872-5041
jennifer.perras@univarsolutions.com
www.univar.com
RESOLUTION AUTHORIZING THE GENERAL MANAGER TO EXERCISE A ONE-YEAR OPTION TO EXTEND THE AUTHORITY’S PURCHASE ORDER WITH UNIVAR SOLUTIONS USA, INC. FOR SODIUM BISULFITE 25% SOLUTION IN FY 2020/2021 IN THE AMOUNT OF $250,000

WHEREAS, in 2019, the East Bay Dischargers Authority’s agent, Bay Area Chemical Consortium (BACC), advertised for bids for Sodium Bisulfite Solution in accordance with the requirements of the Public Contracts Code; and

WHEREAS, a Bid Opening was held on April 2, 2019, wherein bids received before the deadline were opened and reviewed; and

WHEREAS, BACC determined that award of the contract for fiscal year (FY) 2019/2020 should be granted to Univar Solutions USA, Inc. (Univar) for the Supply and Delivery of 25% Sodium Bisulfite and Authority staff agreed with the determination; and

WHEREAS, pursuant to such award, the Authority approved Resolution 19-25 on June 20, 2020 and issued a Purchase Order to Univar for the Supply and Delivery of 25% Sodium Bisulfite for FY 2019/2020; and

WHEREAS, the BACC FY 2019/2020 bid documents included a stipulation that the (12) months term of the award commenced on July 1, 2019, and expired on June 30, 2020, but granted an option to extend the contract on a year-to-year basis, not to exceed three (3) yearly renewals if conditions and service are satisfactory to the parties;

WHEREAS, although BACC issued a request for bids on March 18, 2020 for FY 2020/2021, in light of the COVID-19 Pandemic, BACC elected to cancel these bids on March 24, 2020 and recommended that agencies exercise the one-year extension with suppliers; and

WHEREAS, Univar agreed to maintain the same price for its supply of Sodium Bisulfite for FY 2020/2021 to the Authority; and

WHEREAS, the Authority’s Operation & Maintenance Committee has recommended exercising the Authority’s option to extend its Purchase Order with Univar Solutions USA, Inc. for Sodium Bisulfite 25% Solution for FY 2020/2021.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby exercises its option to extend its Purchase Order issued to Univar Solutions USA, Inc. for 25% Sodium Bisulfite Solution for FY 2020/2021 at the same rate as FY 2019/2020 for a total amount of $250,000.
BE IT FURTHER RESOLVED, the General Manager is hereby authorized to take all appropriate and necessary actions to carry out the purpose and intent of this Resolution.

SAN LORENZO, CALIFORNIA, JUNE 18, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________________     ATTEST: ____________________________________
CHAIR     GENERAL MANAGER
EAST BAY DISCHARGERS COMMISSION        EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
ITEM NO. OM8 RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ISSUE A PURCHASE ORDER TO BUCKLES-SMITH IN THE AMOUNT OF $15,372 FOR A NEW VARIABLE FREQUENCY DRIVE TRANSFORMER AND FIELD SERVICE FOR EFFLUENT PUMP NO. 2 AT THE ALVARADO EFFLUENT PUMP STATION

Recommendation
Approve the resolution authorizing the General Manager to issue a purchase order to Buckles-Smith in the amount of $15,372 for a new Variable Frequency Drive (VFD) transformer and field service for Effluent Pump No. 2 at AEPS.

Background
On April 29, 2020, USD notified EBDA that the VFD for Effluent Pump No. 2 blew a 250 Amp fuse. Rockwell Automation Field Service inspected the VFD on May 5, 2020. The Field Service Engineer determined that the VFD transformer needed to be replaced.

Discussion
Staff obtained quotes for repair and replacement of the VFD transformer and concluded that replacing the VFD transformer was the appropriate course of action. The quotes/actual costs from Buckles-Smith are as follows:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field Service 5/5/20</td>
<td>$1,639</td>
</tr>
<tr>
<td>Timer Relays</td>
<td>$403</td>
</tr>
<tr>
<td>VFD Transformer</td>
<td>$10,452</td>
</tr>
<tr>
<td>Field Service for Commissioning – Not To Exceed Quote</td>
<td>$2,878</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$15,372</strong></td>
</tr>
</tbody>
</table>
**Drop Ship**

**PO2310**

**BESTWAY 1% 10DAYS/N30**

**EAST BAY DISCHARGERS AUTHORITY**
2651 GRANT AVE
SAN LORENZO, CA 94580

**ORDER DATE** | **ORDER NO.**
--- | ---
06/03/20 | 3197494-00

**SHIP TO:**
C/O UNION SANITARY DISTRICT
5072 BENSON RD
UNION CITY, CA 94587

**RENEWAL PARTS**

**ALLEN-BRADLEY P/N:**
- BATA0095 / PN- 131182 - SPARE PARTS TRANSFORMER *
- RA SSB PROJECT R1USX00893 - REFERENCE MP2020289 *
- MUST BE ORDERED FROM RA BY DANIEL RODRIGUEZ/ALLIED FRESNO
- MADE-TO-ORDER & NON-CANCELABLE/NON-RETURNABLE*
- ESTIMATED LEAD TIME 6 -7 WEEKS ARO *

<table>
<thead>
<tr>
<th>LINE</th>
<th>PRODUCT AND DESCRIPTION</th>
<th>QTY. ORDERED</th>
<th>QTY. B.O.</th>
<th>UNIT PRICE</th>
<th>PRICE U/M</th>
<th>AMOUNT (NET)</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>RENEWAL PARTS</td>
<td>1</td>
<td></td>
<td>9477.50000</td>
<td>E</td>
<td>9477.50</td>
</tr>
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</table>

**TOTAL** 9477.50

**FRT IN-DIR** 50.00

**TAXES** 924.06

**INVOICE TOTAL** 10451.56

**AUTHORIZED BY**
KCNORR
510 746-4606 / 510 483-6705
KCNORR@BUCKLES-SMITH.COM

**EMAIL**
KCNORR@BUCKLES-SMITH.COM

**PAGE 1**

Buckles-Smith Terms and Conditions located at http://www.buckles-smith.com/TNC.aspx
**Quote**

**Quote Date**: 05/27/20  
**Quote No.**: 3198118-00

---

**Cust.#**: 823850

**Bill To**:  
EAST BAY DISCHARGERS AUTHORITY  
2651 GRANT AVE  
SAN LORENZO, CA 94580

**Ship To**:  
EAST BAY DISCHARGERS AUTHORITY  
2651 GRANT AVE  
SAN LORENZO, CA 94580

---

**Req. Date**: 05/27/20  
**Requested By**: HOWARD CIN  
**Phone/Fax**:  
**Email**: HCIN@EBDA.ORG

**Exp. Date**: 06/27/20  
**Ship Via**: UPS GRND  
**Ship Point**: BUCKLES-SMITH - SANTA CLARA  
**Instructions**:  
**Terms**: 1% 10DAYS 30

---

<table>
<thead>
<tr>
<th>LINE NO.</th>
<th>PRODUCT AND DESCRIPTION</th>
<th>QTY. QUOTED</th>
<th>UNIT PRICE</th>
<th>PRICE U/M</th>
<th>AMOUNT (NET)</th>
</tr>
</thead>
</table>
| 1        | ALB700HR52TA17 700-HR GENERAL PURPOSE DIAL TIM  
* CURRENTLY 7 IN OUR STOCK IN SANTA CLARA * | 2 | 154.91000 E | 309.82 |
| 2        | ALB700HN101 SOCKET,TUBE BASE  
FOR USE WITH 11 PIN 700-HA,HTA, HR, AND HT RELAYS  
PANEL/DIN MOUNT - FINGER SAFE TERMINALS - WHITE PLASTIC  
* CURRENTLY 25 IN OUR STOCK IN SANTA CLARA * | 2 | 10.89000 E | 21.78 |
| 3        | ALB700HN131 RET CLIP 700-HR RELAY (PKG. QTY.  
* CURRENTLY 9 IN OUR STOCK IN SANTA CLARA * | 2 | 8.87000 E | 17.74 |

**Total**: 349.34  
**SHPG+HNDLG**: 19.25  
**Taxes**: 34.09  
**Quote Total**: 402.68

---

**Authorized By**: JON DUGAN  
**Phone/Fax**: 510-746-4606 / 510-483-6705  
**Email**: JDUGAN@BUCKLES-SMITH.COM

Buckles-Smith Terms and Conditions located at http://www.buckles-smith.com/TNC.aspx
**CUSTOMER**

**BILL TO:**
EAST BAY DISCHARGERS AUTHORITY
2651 GRANT AVE
SAN LORENZO, CA 94580

**SHIP TO:**
EAST BAY DISCHARGERS AUTHORITY
UNION SANITARY
5072 BENSON RD
UNION CITY, CA 94587

**BLANKET ORDER**

<table>
<thead>
<tr>
<th>ORDER DATE</th>
<th>REQUESTED BY</th>
<th>PHONE / FAX</th>
<th>EMAIL</th>
<th>DUE DATE</th>
<th>SHIP VIA</th>
<th>SHIP POINT</th>
<th>INSTRUCTIONS</th>
<th>TERMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/26/20</td>
<td>HOWARD CIN</td>
<td></td>
<td><a href="mailto:HCIN@EBDA.ORG">HCIN@EBDA.ORG</a></td>
<td>06/15/20</td>
<td>UPS GRND</td>
<td>BUCKLES-SMITH - SANTA CLARA</td>
<td></td>
<td>1% 10DAYSN30</td>
</tr>
</tbody>
</table>

**PRODUCT AND DESCRIPTION**

<table>
<thead>
<tr>
<th>LINE NO.</th>
<th>PRODUCT AND DESCRIPTION</th>
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<th>QTY. B.O.</th>
<th>UNIT PRICE</th>
<th>PRICE U/M</th>
<th>AMOUNT (NET)</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>ROCKWEL FIELD SERVICE ENGINEER</td>
<td>2.75</td>
<td>2.75</td>
<td>236.00000</td>
<td>E</td>
<td>649.00</td>
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<tr>
<td></td>
<td>ROCKWELL TICKET #: 4008326929</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td>RELEASE ORDER #: 7000537479</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>SERVICE DATE: MAY 5, 2020</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>SERVICE ENGINEER: BRETT CAILDWELL</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>CUSTOMER HAS A VFD THAT IS DOWN (BLOWN) AND SEEKING</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ROCKWELL ENGINEER TO ASSIST WITH ISSUE.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>CALLOUT TRAVEL RATE TO-FROM CUSTOMER SITE</td>
<td>5</td>
<td>5</td>
<td>198.00000</td>
<td>E</td>
<td>990.00</td>
</tr>
<tr>
<td></td>
<td>STANDARD TRAVEL RATE: THIS HOURLY CHARGE WILL BE APPLIED TO BILLABLE ONSITE SERVICE DELIVERED BY A ROCKWELL AUTOMATION FIELD SERVICE PROFESSIONAL AND SHALL BE DETERMINED BY THE SERVICE PROFESSIONAL'S ACTUAL ROUND TRIP TRAVEL TIME FROM POINT OF ORIGIN TO CUSTOMER DESTINATION AND BACK. QUOTED TRAVEL CHARGES ARE ESTIMATES ONLY, AND WILL BE BILLED AS INCURRED. IF THE MOST LOCAL RESOURCE IS NOT AVAILABLE, ROCKWELL AUTOMATION WILL DISPATCH THE NEAREST QUALIFIED FIELD SERVICE PROFESSIONAL TO RESPOND TO THE REQUEST. UPON REQUESTS TO LIMIT ADDITIONAL TRAVEL COSTS, ROCKWELL AUTOMATION CAN DISPATCH THE FIRST AVAILABLE LOCAL FIELD SERVICE PROFESSIONAL. IF DESIRED, PLEASE ALERT YOUR BUCKLES-SMITH CONTACT, AND NOTE THIS REQUEST ON YOUR PURCHASE ORDER, OR E-MAIL DOCUMENTATION.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** 1639.00

**INVOICE TOTAL** 1639.00
**BLANKET ORDER**

**BILL TO:**  EAST BAY DISCHARGERS AUTHORITY  
2651 GRANT AVE  
SAN LORENZO, CA 94580

**SHIP TO:**  EAST BAY DISCHARGERS AUTHORITY  
UNION SANITARY DIST  
5072 BENSON RD  
UNION CITY, CA 94587

<table>
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<td></td>
<td>06/30/20</td>
<td>UPS GRND</td>
<td>BUCKLES-SMITH - SANTA CLARA</td>
<td></td>
<td>1% 10DAYSN30</td>
</tr>
</tbody>
</table>

**LINE NO.**  | **PRODUCT AND DESCRIPTION** | **QTY. ORDERED** | **QTY. B.O.** | **UNIT PRICE** | **PRICE U/M** | **AMOUNT (NET)**
--- | --- | --- | --- | --- | --- | ---
1 | ALBstdProductUPSChDBOT | 8 | 8 | 236.00000 E | 1888.00
2 | ALBCsoSTDTrvl-DBOT | 5 | 5 | 198.00000 E | 990.00

**Rockwell Field Service Engineer**

Rockwell Ticket #:

Service Date:

Service Engineer: Brett Caldwell

Engineer to assist with commissioning customers' transformers and installing recommended timers to their cabinets.

**Estimated Time and Travel**

- Standard Callout Rate M-F 7AM-6PM
- Recommended Replacement for Timer Relays in 18-Pulse Powerflex 755 VFD's on Effluent Pumps #2 and #6
- Callout Travel Rate: This hourly charge will be applied to billable onsite service delivered by a Rockwell Automation Field Service Professional and shall be determined by the service professional's actual round trip travel time from point of origin to customer destination and back. Quoted travel charges are estimates only, and will be billed as incurred. If the most local resource is not available, Rockwell Automation will dispatch the nearest qualified field service professional to respond to the request. Upon requests to limit additional travel costs, Rockwell Automation can dispatch the first available local field service professional. If desired, please alert your Buckles-Smith contact, and note this request on your purchase order, or e-mail documentation.

**Total** 2878.00

**Invoice Total** 2878.00

**Authorized By**  
DANIEL RODRIGUEZ  
559 264-7700 X 1204 / 559-486-1952  
DRODRIGUEZ@BUCKLES-SMITH.COM
RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ISSUE A PURCHASE ORDER TO BUCKLES-SMITH IN THE AMOUNT OF $15,372 FOR A NEW VARIABLE FREQUENCY DRIVE TRANSFORMER AND FIELD SERVICE FOR EFFLUENT PUMP NO. 2 AT THE ALVARADO EFFLUENT PUMP STATION

WHEREAS, the East Bay Dischargers Authority requested a quote from Buckles-Smith for a new Variable Frequency Drive (VFD) transformer and field service for Effluent Pump No. 2 at AEPS; and

WHEREAS, staff has determined that Effluent Pump No. 2 at AEPS is critical to meet EBDA system reliability and that repairing its VFD is necessary; and

WHEREAS, staff has determined that the quotes from Buckles-Smith are qualified, responsive and responsible quotes; and

WHEREAS, Buckles-Smith is the only authorized Allen-Bradley/Rockwell Automation distributor and service provider in Alameda County and has provided EBDA with excellent service; and

WHEREAS, the Operations & Maintenance Committee has recommended approval of a purchase order to Buckles-Smith.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby accepts the quotes from Buckles-Smith.

BE IT FURTHER RESOLVED, the General Manager is hereby authorized to issue a purchase order on behalf of the Authority in the amount of $15,372 to Buckles-Smith in accordance with the accepted quotes.

SAN LORENZO, CALIFORNIA, JUNE 18, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 

______________________________________             ATTEST: ____________________________________
CHAIR        GENERAL MANAGER
EAST BAY DISCHARGERS COMMISSION                                   EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
ITEM NO. OM9 RESOLUTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE A TRANSFER AGREEMENT WITH THE CITY OF SAN LEANDRO

Recommendation
Adopt a resolution authorizing the General Manager to execute a Transfer Agreement with the City of San Leandro for the San Leandro Effluent Pump Station (SLEPS) and San Leandro Pipeline.

Background
In negotiating the Amended and Restated Joint Powers Agreement (JPA), the City of San Leandro opted to take over ownership of SLEPS as well as the pipeline that connects SLEPS to the Marina Dechlorination Facility (MDF). In exchange, the City was excluded from costs and liability associated with the pump stations and pipeline south of MDF.

Discussion
The Transfer Agreement transfers ownership of SLEPS and the pipeline from SLEPS to one foot north of the north wall of MDF from the Authority to the City. Under the Agreement, the City will assume all costs associated with these assets.
THIS TRANSFER AGREEMENT (this “Agreement”) is entered into as of June ____, 2020 (the “Effective Date”), by and between the East Bay Dischargers Authority, a joint exercise of powers authority (the “Authority”) and the City of San Leandro, a California charter city (the “City”). The Authority and the City are each referred to as a “Party” and collectively referred to herein as the “Parties.”

RECITALS

A. The Authority was originally formed pursuant to a Joint Exercise of Powers Agreement dated February 15, 1974, (the “Original JPA”) with the City as one of its members.

B. The Original JPA was amended and restated by the Amended and Restated Joint Exercise of Powers Agreement dated July 1, 2020 (the “Amended JPA”), a copy of which is attached as Exhibit A.

C. Under the original JPA, the Authority is designated as the owner of an effluent pump station located on property known as County Assessor’s Parcel Number 77A-746-9, in the City of San Leandro (the “Pump Station”), as depicted on Exhibit B attached hereto.

D. Under the original JPA, the Authority is also designated as the owner of the force main that runs from the Pump Station to one foot north of the north wall of the Authority’s Marina Dechlorination Facility in the City of San Leandro (the “Pipe System,” and together with the Pump Station, the “Assets”), as depicted on Exhibit C attached hereto.

E. The Authority desires to transfer the Assets to the City, and the City desires to accept the Assets.

F. Under the Amended JPA, the list of facilities owned by the Authority has been revised to remove the Assets, and the City’s percentage of operation and maintenance costs has been reduced to reflect the City’s assumption of the operation and maintenance of the Assets.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained in this Agreement, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged by the Parties, the Authority and the City hereby agree as follows:
1. **INCORPORATION OF RECITALS AND EXHIBITS.** The Recitals set forth above and the Exhibits attached to this Agreement are each incorporated into the body of this Agreement as if set forth in full.

2. **TRANSFER OF ASSET.**

2.1 **Agreement to Transfer.** Subject to the terms and conditions set forth herein, the Authority agrees to transfer the Assets to the City, and the City hereby agrees to accept the Assets from the Authority and to assume all costs associated with the Assets.

2.2 **Consideration.** In consideration for the transfer of the Assets, the City hereby agrees to accept all operation and maintenance requirements of the Assets and the Authority agrees to reduce the operation and maintenance payment requirements of the City, in accordance with the Amended JPA.

3. **BROKERS.** City represents that no real estate broker has been retained by City in the procurement of the Assets or negotiation of this Agreement. City shall indemnify, hold harmless and defend Authority from any and all claims, actions and liability for any breach of the preceding sentence, and any commission, finder’s fee, or similar charges arising out of City’s conduct.

4. **ASSIGNMENT.** Absent an express signed written agreement between the Parties to the contrary, neither the Authority nor the City may assign its rights or delegate its duties under this Agreement without the express written consent of the other, which consent may be withheld for any reason. No permitted assignment of any of the rights or obligations under this Agreement shall result in a novation or in any other way release the assignor from its obligations under this Agreement.

5. **MISCELLANEOUS.**

5.1 **Successors.** Except as provided to the contrary in this Agreement, this Agreement shall be binding on and inure to the benefit of the Parties and their successors and assigns.

5.2 **Governing Law.** This Agreement shall be construed and interpreted in accordance with the laws of the State of California.

5.3 **Integrated Agreement; Modifications.** This Agreement contains all the agreements of the Parties concerning the subject hereof and cannot be amended or modified except by a written instrument executed and delivered by the parties. There are no representations, agreements, arrangements or understandings, either oral or written, between or among the parties hereto relating to the subject matter of this Agreement that are not fully expressed herein. In addition there are no representations, agreements, arrangements or understandings, either oral or written, between or among the Parties upon which any party is relying upon in entering this Agreement that are not fully expressed herein.
5.4 Severability. If any term or provision of this Agreement is determined to be illegal, unenforceable, or invalid in whole or in part for any reason, such illegal, unenforceable, or invalid provisions or part thereof shall be stricken from this Agreement, any such provision shall not be affected by the legality, enforceability, or validity of the remainder of this Agreement. If any provision or part thereof of this Agreement is stricken in accordance with the provisions of this Section, then the stricken provision shall be replaced, to the extent possible, with a legal, enforceable and valid provision this is in keeping with the intent of the Parties as expressed herein.

5.6 Time. Time is of the essence to the performance of each and every obligation under this Agreement.

5.7 Signatures/Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Any one of such completely executed counterparts shall be sufficient proof of this Agreement.

5.8 Date and Delivery of Agreement. Notwithstanding anything to the contrary contained in this Agreement, the Parties intend that this Agreement shall be deemed effective, and delivered for all purposes under this Agreement, and for the calculation of any statutory time periods based on the date an agreement between parties is effective, executed, or delivered, as of the Effective Date.

5.9 Representation on Authority of Parties. Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each Party represents and warrants to the other that the execution and delivery of the Agreement and the performance of such Party’s obligations hereunder have been duly authorized and that the Agreement is a valid and legal agreement binding on such Party and enforceable in accordance with its terms.

SIGNATURES ON FOLLOWING PAGE
IN WITNESS WHEREOF, this Agreement is executed to be effective as of the date first set forth above.

City: City of San Leandro, a California charter city

By: ______________________________
    Jeff Kay, City Manager

Attest:

___________________________________
    Leticia I. Miguel, City Clerk

Approved as to Fiscal Authority:

___________________________________
    Elizabeth Warmerdam, Interim Finance Director

Reviewed as to Form:

___________________________________
    Richard D. Pio Roda, City Attorney

Authority: East Bay Dischargers Authority, a joint exercise of powers authority

By: ______________________________
IIts: ______________________________
RESOLUTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE A TRANSFER AGREEMENT WITH THE CITY OF SAN LEANDRO

WHEREAS, in October 2019, the Commission of the East Bay Dischargers Authority approved an Amended and Restated Joint Powers Agreement (JPA); and

WHEREAS, the Amended and Restated JPA was signed by all parties in December 2019 and goes into effect on July 1, 2020; and

WHEREAS, as part of the JPA negotiations, the City of San Leandro (City) agreed to take over ownership and responsibility for the San Leandro Effluent Pump Station (SLEPS) and the pipeline connecting SLEPS to the Marina Dechlorination Facility from the Authority in exchange for reduced cost and liability elsewhere in the system; and

WHEREAS, Authority and City staff have collaborated in good faith to develop a Transfer Agreement to transfer ownership of these assets; and

WHEREAS, the Operations & Maintenance Committee has recommended approval of the Transfer Agreement.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby approves the Transfer Agreement for San Leandro Effluent Pump Station and San Leandro Pipeline.

BE IT FURTHER RESOLVED, the General Manager is hereby authorized to execute the Transfer Agreement for San Leandro Effluent Pump Station and San Leandro Pipeline.

SAN LORENZO, CALIFORNIA, JUNE 18, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________________             ATTEST: ____________________________________
CHAIR        GENERAL MANAGER
EAST BAY DISCHARGERS COMMISSION                                   EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
Pursuant to the Governor’s Executive Order N-25-20 the Personnel Committee Meeting scheduled for June 15th at 1:30 p.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. #880 0036 2242. Members of the public are encouraged to dial-in to the meeting using the same number. https://us02web.zoom.us/j/88000362242

ITEM NO. 18
PERSONNEL COMMITTEE
AGENDA
Monday, June 15, 2020
1:30 p.m.

East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580

Committee Members: Handley (Chair), Lamnin

P1. Call to Order
P2. Roll Call
P3. Public Forum
P4. Brown Act Review
(The Committee will discuss legal counsel’s annual review of the Brown Act.)
P5. Resolution Adopting Rules of the Commission
(The Committee will consider a resolution adopting Rules of the Commission.)
P6. Motion to Accept Committee Appointments and Calendar for FY 2020/2021
(The Committee will consider Committee appointments for next fiscal year.)
P7. Resolution Adopting the Fiscal Year 2020/2021 Compensation Plan
(The Committee will consider a resolution adopting the Compensation Plan.)
P8. Adjournment

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker’s cards will be available in the Boardroom and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at the EBDA office at (510) 278-5915 or kyambao@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

(The next Personnel Committee meeting will be held
Monday, August 17, 2020 at 9:00 a.m.)
ITEM NO. P4  BROWN ACT REVIEW

Recommendation
Receive and review the foregoing updates to the Brown Act.

Background
The Ralph M. Brown Act (“Brown Act” or “Act”) (Gov. Code section 54950 et seq.), governs the public’s rights to attend and participate in meetings of local legislative bodies, and provides procedural requirements for such meetings. The Brown Act is updated from time to time by the State legislature, or Gubernatorial Orders. The Personnel Committee annually reviews the Ralph M. Brown Act for changes that may have an effect on how EBDA conducts its Committee and Commission meetings.

Discussion
EBDA’s legal counsel has provided the following summary of updates to the Brown Act, including Governor’s Orders during the COVID-19 Shelter-in-Place.

Posting Agendas Online
Each legislative body of a local agency, including advisory committees, commissions, or boards, as well as standing committees of legislative bodies, must provide an agenda at least seventy-two (72) hours before the regular meeting. As of January 1, 2019, the meeting agenda must be posted in a physical location that is freely accessible to members of the public, and additionally posted via direct link on the agency’s home webpage. The agenda available online must be downloadable, indexable, electronically searchable, platform independent and machine readable, and available to the public free of charge. Alternatively, the agenda online may be posted on a dedicated webpage that provides agenda information. (Gov. Code §§ 54590 – 54963.)

Public Comment When Using A Translator
The Brown Act provides that every agenda for a regular meeting must provide an opportunity for members of the public to address the legislative body on any item under the subject matter jurisdiction of the body. The legislative body is allowed to adopt reasonable regulations, including regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. (Gov. Code section 54954.3(b).) If a legislative body does adopt regulations limiting the time for public comment, it must provide at least twice the allotted time to a member of the public who uses a translator. (Gov. Code § 54954.3(b)(2) – (3).)

Governor’s Orders – COVID-19
Executive Order N-29-20: Executive Order N-29-20 (“Order N-29-20”) was issued by the Governor on March 17, 2020. Order N-29-20 allows local legislative or state bodies to hold public meetings via teleconference without having to provide a physical location from which members of the public may observe the meeting and offer public comment, as long as members of the public are allowed to observe and address the meeting telephonically or otherwise electronically, subject to specified notice and accessibility requirements.
Here are a few of the highlights for the teleconference rules under Order N-29-20:

- Physical presence of members of the legislative body or of the public are not required as a condition of participation in or quorum for a public meeting
- Notice is not required of each teleconference location from which a member will be participating in a public meeting
- Teleconference location does not have to be accessible to the public
- The possibility of members of the public addressing the body at each teleconference conference location is not required
- Agendas do not have to be posted at all teleconference locations
- During teleconference meetings, at least a quorum of the members of the legislative body are not required to participate from locations within the boundaries of the territory over which the legislative body exercises jurisdiction

Legislative bodies holding meetings via teleconferencing must still allow members of the public to observe and address the meeting telephonically or otherwise electronically. If a legislative body holds a meeting via teleconference and allows members of the public to observe and address the meeting, the body shall also:

- Have and advertise (each time meeting notice is given) a procedure for receiving and swiftly resolving requests for a reasonable accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act.
- Provide advance notice of the time of, and post the agenda for, each public meeting according to the timeframes prescribed by the Brown Act. Include the means by which members of the public may observe the meeting and offer public comment.

Executive Order N-35-20: Executive Order N-35-20 (“Order N-35-20”) was issued by the Governor on March 21, 2020. Order N-35-20 allows members of a legislative body to receive updates (“including, but not limited to, simultaneous updates”) from federal, state, and local officials relevant to the declaration emergency (“including, but not limited to, updates concerning the impacts of COVID-19, the government response to COVID-19, and other aspects relevant to the emergency”).

This means members of the legislative body may ask questions of those federal, state and local officials who provide the updates in order to stay apprised of emergency operations and the impact the emergency has on their constituents. However, members of the legislative body may not take action on, or discuss amongst themselves, any item of business that is within the subject matter jurisdiction of the legislative body without complying with otherwise-applicable requirements of the Brown Act.

Order N-35-20 states that members of a legislative body may "receive updates" and "ask questions," but they may not "discuss amongst themselves" nor may they "take action." While the meaning of taking action is clear, when receiving updates, members should be cautious not to discuss information, especially the answers to the questions that they ask. If the topic of a question feels like it will lead to a topic of a discussion, then...
the communication should be deferred to a future Brown Act compliant meeting. Questions that only clarify are likely to be the most appropriate questions. While the update does not have to be brief, it should be conducted similar to a traditional press briefing or task force briefing, which are typically designed only to inform or educate.
ITEM NO. P5 RESOLUTION ADOPTING RULES OF THE COMMISSION

Recommendation
Approve a resolution adopting Rules of the Commission.

Background
While EBDA has adopted individual policies regarding conduct of Commission business, the Authority does not have formal Rules of the Commission. The Joint Powers Agreement (JPA) also contained content regarding the conduct of the Commission and meeting protocols. That language was removed in the Amended and Restated JPA in favor of creating Rules of the Commission that would cover the details of Commission business and could be more easily modified than the JPA. The Rules of the Commission document is intended to be a high-level guidance manual for the workings of the Commission.

Draft Rules were reviewed at the Personnel Committee’s March and May 2020 meetings, and Committee and Commission input has been incorporated.

Discussion
The attached Rules of the Commission formalize officer roles, meeting protocols, voting procedures, Committee practices, and communication protocols for the EBDA Commission. They are consistent with and expand upon rules and procedures outlined in the Amended and Restated JPA, including how weighted voting works and where it will be applied. The Rules also state that most actions taken by the Commission will be by motion, and only certain actions will require a resolution, a change from current practice. The Rules can be amended by the Commission in the future as desired.
# EAST BAY DISCHARGERS AUTHORITY

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EAST BAY DISCHARGERS AUTHORITY COMMISSION

RULES OF THE COMMISSION

The Commission of the East Bay Dischargers Authority ("EBDA") adopts these Rules pursuant to Section 7(j) of the Amended and Restated Joint Exercise of Powers Agreement dated July 1, 2020 ("Amended and Restated JPA").

The Commission is the legislative body that governs EBDA and is accountable to the member agencies for the following actions:

- Establish policies for EBDA operations;
- Establish and oversee the EBDA's finances and its budgets, programs, and performance; and
- Provide the resources needed by staff to carry out EBDA policy.

These Rules are designed solely to facilitate the Commission’s conduct of its own meetings and proceedings. They are not intended to, and do not, create procedural or substantive rights in any person.

The Rules are subordinate to state and federal law.

RULE I. OFFICERS OF THE COMMISSION

A. Chair. The Commission shall elect a Chair from among its members annually at the regular meeting in June. Until otherwise determined by the Commission, current Commission policy is to provide for the equitable rotation of the Chair position among members (see Resolution 99-11).

The Chair shall preside at all meetings of the Commission.

The Chair's duties shall include calling meetings to order, adjourning meetings, announcing the business before the Commission in order in which it is to be acted upon, recognizing members and non-members entitled to the floor, putting to vote all questions moved and seconded, announcing results of votes, maintaining the rules of order, executing documents on behalf of the Commission when duly approved for action, and such other powers and duties as are provided elsewhere in these Rules or delegated by the Commission. The Chair shall be entitled to exercise his or her full voting rights on all questions before the Commission and need not relinquish the chair to discuss a question before the Commission.

The Chair may appoint members of the Commission to standing and ad hoc committees of the Commission and may designate the chairs of such committees. The Chair may also appoint members of the Commission to serve as the
representative of EBDA to other groups and organizations, unless the law requires such appointments to be made by action of the full Commission.

B. Vice-Chair. The Commission shall elect a Vice-Chair from among its members annually at the regular meeting in June.

The Vice-Chair shall perform the duties of the Chair in the Chair’s absence or incapacity. In the case of a vacancy of the office of the Chair, the Vice-Chair shall succeed to that office. In the case of a vacancy of the office of the Vice-Chairperson, an election shall be held at the next regular meeting to fill the vacancy.

C. General Manager. The General Manager's duties and authority shall be as specified in Section 7(f) of the Amended and Restated JPA.

D. Treasurer and Auditor. The Treasurer's and Auditor's duties and authority shall be as specified in Section 7(g) of the Amended and Restated JPA.

E. Term. The term of officers shall be for one year commencing on July 1 of each and every Fiscal Year.
RULE II. MEETINGS OF THE COMMISSION

A. Call of Meetings

1. **Regular Meetings.** The Commission will hold at least six regular meetings each year. The date upon which, and the hour and place at which each such regular meetings will be held, will be fixed by resolution of the Commission. The date and/or time of a particular regular meeting may be changed by the Commission as needed to accommodate scheduling conflicts, subject to the notice requirements in Rule II.B below.

2. **Special Meetings.** Special meetings of the Commission may be called by the Chair or by a majority of the members of the Commission. The notice of the meeting shall state the particular business to be conducted. The Commission may not consider other business at such meetings.

3. **Emergency Meetings.** The majority of the members of the Commission may call an emergency meeting in the case of an “emergency situation,” as defined in the Brown Act.

B. **Notice of Meetings.** A notice stating the time and place of the meeting shall be sent to each Commissioner no later than the time the agenda is required to be distributed by Rule II.C. If the date, time or place of a regular meeting is changed, notice of the change shall be sent at least 72 hours in advance of the regular meeting date or the rescheduled date, whichever is earlier, to each member and to all newspapers of general circulation and radio and television stations that have requested notice of meetings pursuant to the Brown Act.

C. **Agenda of Meetings.** The General Manager shall prepare the agenda of all meetings of the Commission, in consultation with the Chair. A copy of the agenda shall be posted in a location freely accessible to the public, EBDA's website, and delivered to each member, at least 72 hours before each regular meeting and at least 24 hours before each special meeting.

A copy of the agenda, and of all documents (other than those exempt from disclosure under the Public Records Act) distributed to the members with the agenda, shall be available for public inspection at EBDA’s office at least 72 hours before each regular meeting and at least 24 hours before each special meeting. A copy of the agenda and such supporting documents shall also be available for public review at the meeting.

D. **Meetings Open to the Public.** All meetings of the Commission shall be open and public and conducted in accordance with the Brown Act.

---

1 Special meetings may be called in accordance with Government Code Section 54956; weighted voting does not apply.
E. **Order of Business.** The Order of Business shall generally be as follows:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Public Forum
- Consent Calendar
- Regular Calendar
- Reports
- Commissioners’ Comments and/or Agenda Requests
- Closed Session (if any)
- Adjournment

A member may request that an item be taken out of order. The Chair may take any item out of order in response to a request by a member or on his or her own initiative, subject to the right of a member to appeal.

F. **Procedure.**

1. **Role of Chair.** Authority for conduct of meetings is assigned to the Chair, who shall be responsible for timely, fair and reasonable conduct of the meeting’s business. Decisions of the Chair on questions of procedure are final, except that any ruling may be appealed to a vote of the Commission.

   In the event both the Chair and Vice-Chair are absent from a meeting which otherwise would constitute a quorum and a Chair pro tem was not designated by the Chair at the last regular meeting, any member may call the meeting to order and a chair pro tem may be elected by majority vote, as set forth in Section 7(c)(1) of the Amended and Restated JPA, to serve until the Chair or Vice-Chair is present. In such case, the Chair pro tem is authorized only to conduct meetings of the Commission pursuant to these Rules and is not authorized to add items the Agenda for any meeting of the Commission or exercise any other duties of the Chair or Vice-Chair of the Commission.

2. **Convening the Meeting and Quorum.** A majority of the full Commission (or, in the absence of a member, that member's alternate) constitutes a quorum for the conduct of business. The Chair shall be responsible for ascertaining and announcing the presence of a quorum and the due convening of the meeting. In the event a majority of the Commission is not also a majority of the commissioner and weighted voting calculations pursuant to Section 7(c)(1) of the Amended and Restated JPA, the Commission may convene and hold a meeting to receive reports and information, but it may not take action to approve any item.

3. **Consent Calendar.** Matters to be included on the Consent Calendar are those that are regularly presented to the Commission and are routine in
nature, such as approval of minutes. All matters on the Consent Calendar may be acted upon by a single vote. Any Commission member may request that a matter on the Consent Calendar be removed for comment only, prior to a single vote on the entire Consent Calendar. If any member requests that a matter on the Consent Calendar be considered and acted upon separately, the matter shall be removed from the Consent Calendar. In the event a member of the public requests that a matter on the Consent Calendar be considered and acted upon separately, the Chair has full discretion to determine whether or not such matter shall be removed from the Consent Calendar. Such matters shall be separately considered immediately after approval of the remainder of the Consent Calendar, subject to the Chair’s authority to take up the matter later in the meeting.

4. **General Principles for Discussion or Debate.** Discussion of any issue is subject to regulation by the Chair to assure adequate consideration of relevant points of view in the best interests of EBDA. The objectives of discussion are to:

- Determine the will of the Commission.
- Assure sufficient discussion and consideration of issues so that all pertinent points of view are considered.
- Maintain the dignity and decorum of the meeting so that each recognized speaker’s views are made known to the members and to ensure that appropriate respect is accorded all members and the public.
- Present the consideration of business in a manner understood by all participants.

5. **Motions.** The Commission prefers a flexible format for meetings and does not insist that its meetings be conducted strictly in accordance with formal rules of procedure. The conduct of the Commission's meetings will be informed by Robert's Rules of Order, but the Commission will not be obligated to strictly comply with Robert's Rules.

The following rules of motion practice are to be applied as a guide to the Chair in disposition of motions. If a member believes that adequate order is not being maintained or that the procedures being followed do not allow for adequate and orderly discussion of an item, the member may raise a point of order to the Chair. If the member is not satisfied with the ruling of the Chair, the member may appeal to the full Commission.

All matters requiring Commission action must be presented in the form of a motion. In order for a vote to be taken on a motion, the motion must be seconded by another member. When a motion has been made and
seconded, it shall be stated by the Chair for consideration by the Commissioners.

In general, every agenda item requiring action will be presented with a written staff report and clear recommendation; however, action may be by motion and reflected in the minutes. In certain circumstances, statutory law requires Commission action by written resolution, such as matters related to CalPERS. Furthermore, in practice, the Commission may choose to adopt significant governing policies, such as a Reserve Policy and Procurement Policy, by written resolution. In each case, the Chair will call for a motion to adopt such action.

Under these Rules, motions should be limited to those set forth on the Chart of Motion Practice (Attachment 1). Motions on Attachment 1 are listed in order of precedence. When a motion is pending, any motion listed above it on the chart is in order, but those below it are out of order.

6. Voting. The affirmative vote of (a) three or more commissioners; and (b) greater than fifty percent of the weighted votes based on Maximum Flow Rate Capacity is required to adopt any action, including passing a main motion, except for unanimous or other special voting protocols as set forth in Sections 7(c)(2) and 7(c)(3) of the Amended and Restated JPA. A voice vote shall be taken first on all motions subject to weighted voting. If the voice vote is not unanimous, a roll call vote shall be taken.

A roll call shall be taken on the vote on all main motions associated with an ordinance or resolution and on any other motion when requested by a member. All votes will be recorded.

The number of votes assigned to each member for purposes of weighted voting is shown on Attachment 2.

7. Time Limit on Meetings. When a meeting of the Commission has lasted two and one quarter hours or more, no new item of business may be taken up for discussion or action unless the Commission votes to extend the meeting. This provision may be invoked by the Chair or any member. However, it has no effect on the validity of any action taken by the Commission unless and until it is invoked.

8. Adjournment. Upon completion of the meeting’s agenda, or upon conclusion of a meeting pursuant to Rule II.G.7, the Chair shalladjourn the meeting. Adjournment may be accomplished by a motion or announcement of the Chair.

9. Minutes. The General Manager shall prepare minutes of each Commission meeting, which shall be submitted for action at a subsequent meeting. Minutes shall record the ayes and nays on roll call votes. Minutes should not include the text of ordinances and resolutions, which
shall be maintained by the General Manager in separate volumes. Minutes are intended to be a record of Commission action and a brief summary of discussion; they should not be an exhaustive record of deliberation.
RULE III. COMMITTEES OF THE COMMISSION

A. Standing Committees. The Commission may establish standing committees that have continuing jurisdiction over a particular subject matter, or a set meeting schedule pursuant to the Brown Act. Rules II.B, C, D, and E shall apply to all meetings of a standing committee. Until otherwise determined by the Commissions, the current policy is that the physical presence of a single Standing Committee member is sufficient to constitute a quorum (see Resolution 05-13). Standing committees may include, but shall not be limited to the following:

1. Financial Management Committee. The Financial Management Committee advises the Commission and General Manager regarding financial matters applicable to EBDA and its related budget and expenses.

2. Operations and Maintenance Committee. The Operations and Maintenance Committee advises the Commission and General Manager on long range objectives of EBDA and the operation and maintenance of its facilities.

3. Personnel Committee. The Personnel Committee advises the Commission and General Manager regarding personnel matters before the Commission.

4. Regulatory Affairs Committee. The Regulatory Affairs Committee advises the Commission and General Manager on regulations and legislation at the local, State and Federal level which may affect EBDA, requirements of regulatory agencies, coordination with environmental and water quality organizations in and about San Francisco Bay, and other EBDA policy decisions.

B. Ad Hoc Committees. The Commission, or the Chair on his or her own initiative, may establish ad hoc advisory committees to undertake special, specific or limited assignments on behalf of the Commission pursuant to the Brown Act.

C. Committee Members and Alternates. Following the submission of each member's preference, the Chair may appoint members to standing and ad hoc committees of the Commission and may designate the chairs of such committees. Such appointments are effective on July 1 of each and every Fiscal Year. In the event of an absence of a Committee member, including the designated chair, that commissioner's agency appointed alternate will represent the Committee member, including serving as chair, if designated. In the event of a vacancy of a designated chair of a committee, the Commission Chair will designate a new committee chair.
RULE IV.  COMMUNICATIONS TO THE COMMISSION

A.  General.  Members of the public should address comments and questions to the Chair.

1.  Agenda Items.  Members of the public may speak on any item on the agenda, after receiving recognition from the Chair.

2.  Non-Agenda Items.  Members of the public may speak on matters not on the agenda during Public Forum.  The Commission will take no immediate action on matters which are not on the Agenda.  Such items raised by the public may be referred to staff for review and analysis and may be reported back to the Commission at a subsequent meeting.  Members and staff may also briefly respond to statements or questions made during Public Forum or take any other action permitted by law.

   If a speaker refers to any document, writing, record, picture, or other exhibit, the General Manager shall request a copy so that it can be included in the record.

B.  Time Limits on Public Comments.  The Chair may impose time limits on each speaker.
RULE V.  COMMISSIONER COMMUNICATIONS

A. Communications with Staff. Members should endeavor to direct all questions and requests to the General Manager for delegation to staff, as needed. Members, by making a request to the General Manager, shall have access to information relative to the operations of EBDA, including but not limited to statistical information, information serving as the basis for certain actions of staff, justification for staff recommendations, etc. Members should receive any information from staff as preliminary and be cautious with the use of the information until the General Manager makes a formal recommendation for action.

B. Communications on behalf of EBDA. Individual members have no authority and should not make any promises on behalf of the Commission or EBDA. Only the Commission may commit EBDA to an action or a policy. If a member is speaking on behalf of EBDA at another agency’s public meeting, he/she should always clearly state that what he/she is saying has been approved by the Commission and not deviate from the message and/or position. If a member speaks as a private citizen at a public gathering, he/she should clearly state that he/she is doing so in an individual capacity.

C. Communications with the Public. Commissioners may always speak with members of the public regarding EBDA matters. It is advisable to inform the General Manager as soon as practicable regarding complaints and concerns from members of the public. Only the Chair and General Manager are authorized to speak with the media regarding EBDA matters. All media requests should be directed to the General Manager.
RULE VI.  SUSPENSION/AMENDMENT/REPEAL

A Rule may be suspended at any Commission meeting by a majority vote of the Commission. The Rules may be amended or repealed by a vote of the Commission.
<table>
<thead>
<tr>
<th>Motion</th>
<th>Second Required?</th>
<th>Debatable?</th>
<th>Amendable?</th>
<th>Vote Required*</th>
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<tr>
<td><strong>MEETING CONDUCT (PRIVILEGED) MOTIONS</strong></td>
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<tr>
<td>Point of Privilege</td>
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<td>No</td>
<td>None</td>
</tr>
<tr>
<td>Point of Order</td>
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<td>No</td>
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</tr>
<tr>
<td>To Appeal Ruling of Chair</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Majority + Weighted</td>
</tr>
<tr>
<td>To Recess</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority + Weighted</td>
</tr>
<tr>
<td>To Adjourn</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Majority + Weighted</td>
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<td><strong>DISPOSITION (SUBSIDIARY) MOTIONS</strong></td>
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<tr>
<td>To Withdraw a Motion</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
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<tr>
<td>To Postpone Consideration (Table)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority + Weighted</td>
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<tr>
<td>To Refer to Committee</td>
<td>Yes</td>
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<td>To Amend</td>
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<td>To Limit or Close Debate (Call the Question)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td><strong>MAIN MOTIONS</strong></td>
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<td></td>
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<tr>
<td>To Take Action; To Reconsider</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority + Weighted</td>
</tr>
</tbody>
</table>

* For privileged and subsidiary motions, required vote refers to those present and voting. Main motions require a majority of the full Commission, whether or not present and voting. Except where noted, for purposes of this motion practice, weighted voting does apply.
ATTACHMENT 2 -

MEMBER AGENCY VOTES
UNDER WEIGHTED VOTING CALCULATION

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<thead>
<tr>
<th>Name of Agency</th>
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<td>Castro Valley</td>
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<td>Hayward</td>
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<tr>
<td>Oro Loma</td>
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<tr>
<td>San Leandro</td>
<td>13.74</td>
</tr>
<tr>
<td>Union</td>
<td>42.10</td>
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</tbody>
</table>

In the event one or more Agencies adjusts its Maximum Flow Rate Capacity as set forth in Section 11 of the Amended and Restated JPA, this attachment will be recalculated, and all agencies will be informed, pursuant the Amended and Restated JPA. After such recalculation, a revised Attachment 2 will be automatically incorporated in these Rules.
ATTACHMENT 3

COMMISSION VOTING

A. Weighted Voting:
Except as set out in B and C below, every action will be subject to two vote calculations.
   1) A calculation of commissioner's votes where each commissioner is allocated one vote; and
   2) A calculation of weighted votes as set forth in Attachment 2.

B. Unanimous Voting:
The following actions require unanimous approval:
   1) Amendment of the Amended and Restated JPA;
   2) Termination of the JPA during the Term;
   3) Approval of modifications to, or extension of, the Master Agreement between the Livermore-Amador Valley Water Management Agency ("LAVWMA") and the Authority, dated April 26, 2007;
   4) Approval of any agreement that would result in the utilization of the Facilities to dispose of brine pursuant to Section 23(b)(1) of the Amended and Restated JPA;
   5) Changes to the ownership of Authority Facilities; and
   6) Approval of the Authority Policies and Procedures regarding purchasing and brine.

C. Other Actions:
For the purpose of Commission actions related to effluent violations addressed in Section 16(b) of the Amended and Restated JPA, the unanimous vote requirement will not include the violating Agency(ies) and the commissioner from the violating Agency(ies) will not be permitted a vote.
EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 20-18

INTRODUCED BY ________________________

RESOLUTION ADOPTING RULES OF THE COMMISSION

WHEREAS, in October 2019, the Commission of the East Bay Dischargers Authority approved an Amended and Restated Joint Powers Agreement (JPA); and

WHEREAS, the Amended and Restated JPA was signed by all parties in December 2019 and goes into effect on July 1, 2020; and

WHEREAS, the Amended and Restated JPA contains less detail than the prior JPA with respect to administration of Commission matters; and

WHEREAS, it is in the Authority’s interest to adopt Rules of the Commission to govern the business of the Commission; and

WHEREAS, the Personnel Committee reviewed the Rules of the Commission and recommends their adoption, effective July 1, 2020.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby adopts the Rules of the Commission attached hereto.

SAN LORENZO, CALIFORNIA, JUNE 18, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________                     ______________________________
CHAIR                             ATTEST:
EAST BAY DISCHARGERS COMMISSION   GENERAL MANAGER
                                          EAST BAY DISCHARGERS AUTHORITY
                                          EX OFFICIO SECRETARY
ITEM NO. P6 MOTION TO ACCEPT COMMITTEE APPOINTMENTS AND CALENDAR FOR FY 2020/2021

Recommendation
Approve, by motion, the Committee appointments and calendar for FY 2020/2021.

Discussion
Commissioner Walters has considered the Commissioner’s individual preferences and made appointments to Authority Committees. The appointments are indicated in the following table. The draft FY 2020/2021 EBDA meeting schedule is also attached.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Members</th>
<th>Day and Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>Lamnin (Chair), Toy</td>
<td>Monday, 9-10am</td>
</tr>
<tr>
<td>Operations &amp; Maintenance</td>
<td>Russo Cutter (Chair), Johnson</td>
<td>Tuesday, 9-10am</td>
</tr>
<tr>
<td>Financial Management</td>
<td>Walters (Chair), Toy</td>
<td>Tuesday, 10:30-11:30am</td>
</tr>
<tr>
<td>Regulatory Affairs</td>
<td>Johnson (Chair), Lamnin</td>
<td>Wednesday, 9-10 am</td>
</tr>
</tbody>
</table>
# East Bay Dischargers Authority

## Commission and Committee Meetings

**July 2020 - June 2021**

<table>
<thead>
<tr>
<th>Committee Members</th>
<th>Financial Management</th>
<th>MAC</th>
<th>O&amp;M</th>
<th>Personnel</th>
<th>Regulatory Affairs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thursday @ 9:30 a.m.</td>
<td>Walters &amp; Toy</td>
<td>Cutter &amp; Johnson</td>
<td>Lamnin &amp; Toy</td>
<td>Johnson &amp; Lamnin</td>
<td></td>
</tr>
<tr>
<td>July 16, 2020</td>
<td>July 14, 2020</td>
<td>July 9, 2020</td>
<td>July 14, 2020</td>
<td></td>
<td></td>
</tr>
<tr>
<td>August 20, 2020</td>
<td>August 18, 2020</td>
<td>August 13, 2020</td>
<td>August 18, 2020</td>
<td>August 17, 2020</td>
<td></td>
</tr>
<tr>
<td>September 17, 2020</td>
<td>September 15, 2020</td>
<td>September 10, 2020</td>
<td>September 15, 2020</td>
<td></td>
<td></td>
</tr>
<tr>
<td>November 19, 2020</td>
<td>November 17, 2020</td>
<td>November 12, 2020</td>
<td>November 17, 2020</td>
<td></td>
<td></td>
</tr>
<tr>
<td>February 18, 2021</td>
<td>February 16, 2021</td>
<td>February 11, 2021</td>
<td>February 16, 2021</td>
<td>February 15, 2021</td>
<td></td>
</tr>
<tr>
<td>March 18, 2021</td>
<td>March 16, 2021</td>
<td>March 11, 2021</td>
<td>March 16, 2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>April 15, 2021</td>
<td>April 13, 2021</td>
<td>April 8, 2021</td>
<td>April 13, 2021</td>
<td>April 12, 2021</td>
<td></td>
</tr>
<tr>
<td>May 20, 2021</td>
<td>May 18, 2021</td>
<td>May 13, 2021</td>
<td>May 18, 2021</td>
<td>May 19, 2021</td>
<td></td>
</tr>
</tbody>
</table>

Meetings are subject to rescheduling and/or cancelation. Please see the Agendas and website announcements for the latest information.

The Personnel and Regulatory Affairs Committees meet every other month, however, additional meetings may be scheduled as needed.

*Last Updated: June 9, 2020*
ITEM NO. P7 RESOLUTION ADOPTING THE FISCAL YEAR 2020/2021 COMPENSATION PLAN

Recommendation
Adopt a resolution approving the FY 2020/2021 Compensation Plan.

Background
Each year, the Authority adopts a Compensation Plan that lays out the compensation package for employees, including salaries and benefits. In May, the Personnel Committee discussed the Compensation Plan and requested that its adoption be carried over to the June meeting to allow more time for discussion on the Cost-of-Living Adjustment (COLA).

Discussion
As discussed at the previous meeting, EBDA’s Compensation Plan has traditionally provided a COLA based on the December to December Consumer Price Index for Urban Workers (CPI-U) for the San Francisco Bay Area. The Authority’s Personnel Policy, last amended in January 2020, states the following under Compensation Plan:

In preparing the tentative plan, the General Manager shall take into consideration class-by-class salary comparisons with Member Agencies and other comparable agencies to be designated by the Personnel Committee and across-the-board compensation adjustments received by Member Agencies since the last EBDA adjustment. Appropriate consideration shall be given to adjustments of the cost of living as measured by the National Consumer Price Index Pacific Cities, the base figure for comparison shall be the SF-Oakland-SJ city for the period of January 1 through December 30 of the previous year. Adjustments in the cost of living shall be considered once a year as the General Manager prepares the Compensation Plan. The approved salary adjustments shall be applied to all of the classifications, effective the following July 1, to the current salary of each employee on that date and the salary ranges for each classification shall be adjusted a like amount by adoption of an amended Compensation Plan.

CPI is considered an objective metric that reflects the status of the economy of the prior year. The most recent December to December CPI is 2.5%, which is included in the FY 2020/2021 Budget adopted by the Commission in May. There is a high likelihood that next year’s CPI will be lower.

In light of the economic downturn caused by the COVID-19 pandemic, agencies, including cities which have been particularly hard hit, are considering whether to suspend staff COLAs as a cost-saving mechanism. A recent survey of water and sanitation agencies in the Bay Area, provided as a handout last meeting and attached here for reference, finds that the majority of water and wastewater special districts are continuing to provide COLAs for the upcoming fiscal year.
At the Committee’s request, staff analyzed the financial benefits of reducing EBDA’s FY 2020/2021 COLA to 1.75% or zero. Per the attached analysis, also provided as a handout in May, the difference between zero COLA and 2.5% COLA is just under $16k.

One option the Commission may consider if it is concerned about the near-term financial impact of the COLA, is adopting the 2.5% increase but reducing staff hours through furlough such that there will be no salary increase in FY 2020/2021. If staff time is reduced by 52 hours/year, salaries and associated costs will remain flat, but staff will retain the benefit of the increase for the future.

Another option discussed by the Committee last month is the idea of adjusting the Personnel Policy for the future to establish a COLA based on CPI but with a floor and ceiling. For example, USD’s MOU sets the COLA equal to CPI-U, but with a minimum of 3.25% and a maximum of 4.5%, CVSan sets a range of 3.0-4.5%, and OLSD has a range of 1-5%. By establishing a floor, the Commission would protect staff from a zero or negative CPI resulting in no increase next year. This approach could be implemented in combination with a reduction in the COLA for the FY 2020/2021 Compensation Plan, or independently.

Because this item was carried over from the May meeting, the Compensation Plan and associated resolution included for consideration here are the same as presented last month (i.e. they include the 2.5% COLA). Pending the Committee’s recommendation, staff can provide an updated Compensation Plan for consideration at the Commission meeting, and the changes can be noted as part of the motion to adopt the resolution.
## Survey on COLA Adjustment in 2020

**May 18, 2020**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Is your agency seeking to reduce or defer MOU scheduled COLA adjustment for employees due to the pandemic?</th>
<th>When is your COLA taking place this year?</th>
<th>What is the percentage?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alameda County Water District</td>
<td>Not considering any changes</td>
<td>July</td>
<td>3.00%</td>
</tr>
<tr>
<td>Castro Valley Sanitary District</td>
<td>We are in the middle of negotiations and proposed to the Union to strike a one year deal since we are facing such uncertain times. The unit wants 3% COLA retro to March. We are taking it back to the Board, but I have a feeling they will not accept that.</td>
<td>December</td>
<td>2.75%</td>
</tr>
<tr>
<td>Central Contra Costa Sanitary District</td>
<td>No change</td>
<td>April</td>
<td>2.90%</td>
</tr>
<tr>
<td>Contra Costa Water District</td>
<td>No change</td>
<td>July</td>
<td>3.00%</td>
</tr>
<tr>
<td>Delta Diablo</td>
<td>No change</td>
<td>July</td>
<td>2.00%</td>
</tr>
<tr>
<td>Dublin San Ramon Water District</td>
<td>Not considering any changes</td>
<td>December</td>
<td>2.75%</td>
</tr>
<tr>
<td>Fairfield Suisun Sewer District</td>
<td>Proposing COLA increase for Board adoption in June. No MOU, annual COLA adjustment is min 2% &amp; 5% max. This year’s COLA proposal is 2%; we use the SF April CPI.</td>
<td>July</td>
<td>Proposing 2%</td>
</tr>
<tr>
<td>Napa Sanitation District</td>
<td>MOU’s expire June 30, 2020. Board has halted negotiations and offered a one year extension of with no COLA for FY 20-21.</td>
<td>N/A</td>
<td>Likely 0%</td>
</tr>
<tr>
<td>Oro Loma Sanitary District</td>
<td>No change at this time.</td>
<td>June</td>
<td>1.50%</td>
</tr>
<tr>
<td>Ross Valley Sanitary District</td>
<td>No change</td>
<td>July</td>
<td>3.00%</td>
</tr>
<tr>
<td>Union Sanitary District</td>
<td>No change for SEIU (100/137 employees), COLA was negotiated in March prior to COVID-19. Contract doesn’t expire until December 31, 2022, COLA for each year is based on the CPI from December to December with 3.25% min and 4.5% max. 37 unrepresented employees typically receive an increase each September and same as what SEIU’s. Not sure if the Board will approve an increase for the unrepresented employees in June.</td>
<td>March for SEIU; September for unrepresented</td>
<td>3.25% for SEIU; TBD in June for unrepresented</td>
</tr>
<tr>
<td>Vallejo Flood and Wastewater District</td>
<td>No change</td>
<td>July</td>
<td>2.00%</td>
</tr>
<tr>
<td>West Bay Sanitary District</td>
<td>No change</td>
<td>July</td>
<td>4.00%</td>
</tr>
<tr>
<td>West Valley Sanitation District</td>
<td>No change at this time for represented; unrepresented TBD in June</td>
<td>July</td>
<td>3.25% for represented; TBD in June for unrepresented</td>
</tr>
</tbody>
</table>
Impact of COLA on EBDA FY 20/21 Budget

No COLA

<table>
<thead>
<tr>
<th>Position</th>
<th>GM</th>
<th>O&amp;M MGR</th>
<th>ADMIN. ASST.</th>
<th>PART TIME</th>
<th>STD/LTD</th>
<th>PERS</th>
<th>W/C INS</th>
<th>MEDICARE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly Rate</td>
<td>112.79</td>
<td>77.26</td>
<td>50.73</td>
<td>41.74</td>
<td>3.029</td>
<td>70.175</td>
<td>7.922</td>
<td>8.703</td>
<td>634,061</td>
</tr>
<tr>
<td>Budgeted Salary</td>
<td>$234,603</td>
<td>$160,701</td>
<td>$105,518</td>
<td>$43,410</td>
<td>$3,029</td>
<td>$70,175</td>
<td>$7,922</td>
<td>$8,703</td>
<td>$634,061</td>
</tr>
</tbody>
</table>

1.75% COLA

<table>
<thead>
<tr>
<th>Position</th>
<th>GM</th>
<th>O&amp;M MGR</th>
<th>ADMIN. ASST.</th>
<th>PART TIME</th>
<th>STD/LTD</th>
<th>PERS</th>
<th>W/C INS</th>
<th>MEDICARE</th>
<th>TOTAL</th>
<th>Total Increase</th>
<th>% of O&amp;M Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly Rate</td>
<td>114.76</td>
<td>78.61</td>
<td>51.62</td>
<td>42.47</td>
<td>3.081</td>
<td>71.376</td>
<td>8.053</td>
<td>8.852</td>
<td>645,118</td>
<td>$11,057</td>
<td>0.32%</td>
</tr>
<tr>
<td>Budgeted Salary</td>
<td>$238,709</td>
<td>$163,513</td>
<td>$107,365</td>
<td>$44,169</td>
<td>$3,081</td>
<td>$71,376</td>
<td>$8,053</td>
<td>$8,852</td>
<td>$645,118</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2.5% COLA

<table>
<thead>
<tr>
<th>Position</th>
<th>GM</th>
<th>O&amp;M MGR</th>
<th>ADMIN. ASST.</th>
<th>PART TIME</th>
<th>STD/LTD</th>
<th>PERS</th>
<th>W/C INS</th>
<th>MEDICARE</th>
<th>TOTAL</th>
<th>Total Increase</th>
<th>% of O&amp;M Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly Rate</td>
<td>115.61</td>
<td>79.20</td>
<td>52.00</td>
<td>42.78</td>
<td>3.103</td>
<td>71.891</td>
<td>8.109</td>
<td>8.916</td>
<td>649,868</td>
<td>$15,807</td>
<td>0.46%</td>
</tr>
<tr>
<td>Budgeted Salary</td>
<td>$240,478</td>
<td>$164,727</td>
<td>$108,155</td>
<td>$44,490</td>
<td>$3,103</td>
<td>$71,891</td>
<td>$8,109</td>
<td>$8,916</td>
<td>$649,868</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total EBDA O&M Budget
$3,469,244

*Note that half of the part time position salary is currently included in the budget as a Contingency Special Study
MONTHLY SALARY RANGE

<table>
<thead>
<tr>
<th>Role</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Assistant</td>
<td>7,414.80</td>
<td>7,785.52</td>
<td>8,174.80</td>
<td>8,583.53</td>
<td>9,012.71</td>
</tr>
<tr>
<td>General Manager</td>
<td>17,310.80</td>
<td>18,176.35</td>
<td>19,085.17</td>
<td>20,039.45</td>
<td>21,041.42</td>
</tr>
<tr>
<td>Operations &amp; Maintenance Manager</td>
<td>11,293.21</td>
<td>11,857.88</td>
<td>12,450.78</td>
<td>13,073.34</td>
<td>13,727.01</td>
</tr>
</tbody>
</table>

SUMMARY OF BENEFITS

<table>
<thead>
<tr>
<th>Benefit</th>
<th>EBDA Provided Portion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicare Tax</td>
<td>Employer contribution only, 1.45% of monthly salary.</td>
</tr>
<tr>
<td>CalPERS Miscellaneous Plan (2.5% @ 55 Formula; 1 year final compensation)</td>
<td>Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. Classic Member¹ shall contribute 100% of the plan’s Employee Contribution Rate.</td>
</tr>
<tr>
<td>CalPERS PEPRA Plan (2% @ 62 Formula; 3 years final compensation)</td>
<td>Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. New Member² shall contribute 100% of the plan’s Employee Contribution Rate.</td>
</tr>
<tr>
<td>Medical Coverage</td>
<td>Insurance premiums paid by Authority; the maximum premium paid for medical shall not exceed the premium for Kaiser California Bay Area Employee and 2+ Dependents. No recompense will be made for employees who enroll as Employee Only or Employee +1 Dependent.</td>
</tr>
<tr>
<td>Post-Retirement Medical (October 1, 2015)</td>
<td>The Authority contributes up to a maximum of $473 per month for enrollment in a CalPERS health benefit plan for EBDA annuitants. The fixed employer contribution of $473 per month includes the PEMHCA minimum. The minimum qualification for retiree health benefits is five years of continual employment at EBDA.</td>
</tr>
<tr>
<td>Dental &amp; Vision Care</td>
<td>Employer pays dental and vision insurance premiums up to date of permanent separation from EBDA.</td>
</tr>
<tr>
<td>Life Insurance</td>
<td>Maximum policy value is equal to 1x the employee’s annual salary.</td>
</tr>
<tr>
<td>Disability Insurance (2/3 salary after all accrued leave is depleted)</td>
<td>Employer pays Short Term and Long Term Disability insurance premiums up to the date of permanent separation from EBDA. Note: EBDA does not pay into State Disability Insurance.</td>
</tr>
</tbody>
</table>
Deferred Compensation

The Authority contributes 2.32% of each full-time employee's base salary to a deferred compensation plan determined by the Authority provided that the employee also contributes 0.32% of his/her base salary. The Authority contributes an additional $0.50 for each $1.00 voluntarily contributed by the employee up to a maximum additional Authority contribution of $500.00 per calendar year per full-time employee.

Holidays

11 paid holidays plus 28 hours of personal holiday annually.

**MISCELLANEOUS**

Compensatory Time Off

Unclassified, exempt employees do not receive additional payment for overtime. In lieu of payment, the General Manager may adjust working hours to compensate the employee for time worked in excess of 40 hours per week.

Classified, non-exempt employees are compensated at the rate of one and one-half times the employee’s regular rate of pay for all hours worked in excess of 40 hours per week.

Calculation Method of Hourly Rate

Hourly rate equivalents shall be determined by dividing the employee's actual monthly salary rate by 173.33, which is considered to be the average number of working hours per month. The Authority shall pay any Fair Labor Standards Act overtime worked by non-exempt employees in a manner consistent with the Fair Labor Standards act.

Use of Authority Vehicle

The General Manager may authorize the use of Authority vehicles by employees for business travel when determined that such use would be in the best interest of the Authority.

Flexible Spending Accounts (FSA)

Benefit eligible employees may enroll in the Authority’s FSA to make pre-tax salary contributions up to the IRS limits.

---

1 Definition of a Classic Member - A classic member is defined as:
- An existing member of a California public retirement system as of December 31, 2012. Please note, however, that because new member determination is based on an appointment-by-appointment basis, upon appointment, new hires will be required to self-certify their classic member status by submitting a form that tests against the new member definition and which may ultimately result in a change in status to new member.

2 Definition of a New Member – A new member is defined as any of the following:
- A new hire who is brought into a California public retirement system membership for the first time on or after January 1, 2013, and who has no prior membership in a California public retirement system.
- A new hire who was an active member of a California public retirement system and who, after a break in service of more than six months, returned to active membership in that system.

Revised: 02/05/2020
EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 20-19

INTRODUCED BY ________________________

RESOLUTION ADOPTING THE
FISCAL YEAR 2020/2021 COMPENSATION PLAN

WHEREAS, the East Bay Dischargers Authority Personnel Policy provides that annually, prior to the beginning of the fiscal year, a Compensation Plan shall be presented to the Commission; and

WHEREAS, the FY 2020/2021 Compensation Plan, prepared in consideration of salary comparisons with member agencies and changes to the San Francisco-Oakland Consumer Price Index, provides a 2.5% cost-of-living adjustment for all classifications listed in the Compensation Plan; and

WHEREAS, the Authority’s policy is to pay 100% of the required employer contribution and to require the employee to pay 100% of the required employee contribution to employee’s pension plans, noting that those required rates may change from time to time; and

WHEREAS, staff recommends, and the Personnel Committee supports, removing specific required pension contribution levels from the Compensation Plan and instead stating that the Authority will pay 100% of the required Employer Normal Cost Rate and the Employee will pay 100% of the Employee Contribution Rate; and

WHEREAS, the Personnel Committee reviewed the Compensation Plan and recommends its adoption effective July 1, 2020.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby adopts the FY 2020/2021 Compensation Plan attached hereto.

SAN LORENZO, CALIFORNIA, JUNE 18, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________________                     ATTEST:____________________________________
CHAIR                 GENERAL MANAGER
EAST BAY DISCHARGERS COMMISSION                                          EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
ITEM NO. 22  ITEMS FROM THE COMMISSION AND STAFF
The Commission and staff may comment on items of general interest.

ITEM NO. 23  ADJOURNMENT
Agenda Amendment
Agenda Item #19

EAST BAY DISCHARGERS AUTHORITY

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The Commission of the East Bay Dischargers Authority (“EBDA”) adopts these Rules pursuant to Section 7(j) of the Amended and Restated Joint Exercise of Powers Agreement dated July 1, 2020 (“Amended and Restated JPA”).

The Commission is the legislative body that governs EBDA and is accountable to the member agencies for the following actions:

- Establish policies for EBDA operations;
- Establish and oversee the EBDA’s finances and its budgets, programs, and performance; and
- Provide the resources needed by staff to carry out EBDA policy.

These Rules are designed solely to facilitate the Commission’s conduct of its own meetings and proceedings. They are not intended to, and do not, create procedural or substantive rights in any person.

The Rules are subordinate to state and federal law.

RULE I. OFFICERS OF THE COMMISSION

A. Chair. The Commission shall elect a Chair from among its members annually at the regular meeting in June. Until otherwise determined by the Commission, current Commission policy is to provide for the equitable rotation of the Chair position among members (see Resolution 99-11). The Chair typically will have served as the Vice-Chair the prior year.

The Chair shall preside at all meetings of the Commission.

The Chair's duties shall include calling meetings to order, adjourning meetings, announcing the business before the Commission in order in which it is to be acted upon, recognizing members and non-members entitled to the floor, putting to vote all questions moved and seconded, announcing results of votes, maintaining the rules of order, executing documents on behalf of the Commission when duly approved for action, and such other powers and duties as are provided elsewhere in these Rules or delegated by the Commission. The Chair shall be entitled to exercise his or her full voting rights on all questions before the Commission and need not relinquish the chair to discuss a question before the Commission.

The Chair may appoint members of the Commission to standing and ad hoc committees of the Commission and may designate the chairs of such committees. The Chair may also appoint members of the Commission to serve as the
representative of EBDA to other groups and organizations, unless the law requires such appointments to be made by action of the full Commission.

B. **Vice-Chair.** The Commission shall elect a Vice-Chair from among its members annually at the regular meeting in June.

The Vice-Chair shall perform the duties of the Chair in the Chair’s absence or incapacity. In the case of a vacancy of the office of the Chair, the Vice-Chair shall succeed to that office. In the case of a vacancy of the office of the Vice-Chairperson, an election shall be held at the next regular meeting to fill the vacancy.

C. **General Manager.** The General Manager's duties and authority shall be as specified in Section 7(f) of the Amended and Restated JPA.

D. **Treasurer and Auditor.** The Treasurer's and Auditor's duties and authority shall be as specified in Section 7(g) of the Amended and Restated JPA.

E. **Term.** The term of officers shall be for one year commencing on July 1 of each and every Fiscal Year.
RULE II. MEETINGS OF THE COMMISSION

A. Call of Meetings

1. Regular Meetings. The Commission will hold at least six regular meetings each year. The date upon which, and the hour and place at which each such regular meetings will be held, will be fixed by resolution of the Commission. The date and/or time of a particular regular meeting may be changed by the Commission as needed to accommodate scheduling conflicts, subject to the notice requirements in Rule II.B below.

2. Special Meetings. Special meetings of the Commission may be called by the Chair or by a majority of the members of the Commission. The notice of the meeting shall state the particular business to be conducted. The Commission may not consider other business at such meetings.

3. Emergency Meetings. The majority of the members of the Commission may call an emergency meeting in the case of an “emergency situation,” as defined in the Brown Act.

B. Notice of Meetings. A notice stating the time and place of the meeting shall be sent to each Commissioner no later than the time the agenda is required to be distributed by Rule II.C. If the date, time or place of a regular meeting is changed, notice of the change shall be sent at least 72 hours in advance of the regular meeting date or the rescheduled date, whichever is earlier, to each member and to all newspapers of general circulation and radio and television stations that have requested notice of meetings pursuant to the Brown Act.

C. Agenda of Meetings. The General Manager shall prepare the agenda of all meetings of the Commission, in consultation with the Chair.

A copy of the agenda shall be posted in a location freely accessible to the public, EBDA’s website, and delivered to each member, at least 72 hours before each regular meeting and at least 24 hours before each special meeting.

A copy of the agenda, and of all documents (other than those exempt from disclosure under the Public Records Act) distributed to the members with the agenda, shall be available for public inspection at EBDA’s office at least 72 hours before each regular meeting and at least 24 hours before each special meeting. A copy of the agenda and such supporting documents shall also be available for public review at the meeting.

D. Meetings Open to the Public. All meetings of the Commission shall be open and public and conducted in accordance with the Brown Act.

1 Special meetings may be called in accordance with Government Code Section 54956; weighted voting does not apply.
E. **Order of Business.** The Order of Business shall generally be as follows:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Public Forum
- Consent Calendar
- Regular Calendar
- Reports
- Commissioners’ Comments and/or Agenda Requests
- Closed Session (if any)
- Adjournment

A member may request that an item be taken out of order. The Chair may take any item out of order in response to a request by a member or on his or her own initiative, subject to the right of a member to appeal.

F. **Procedure.**

1. **Role of Chair.** Authority for conduct of meetings is assigned to the Chair, who shall be responsible for timely, fair and reasonable conduct of the meeting’s business. Decisions of the Chair on questions of procedure are final, except that any ruling may be appealed to a vote of the Commission.

   In the event both the Chair and Vice-Chair are absent from a meeting which otherwise would constitute a quorum and a Chair pro tem was not designated by the Chair at the last regular meeting, any member may call the meeting to order and a chair pro tem may be elected by majority vote, as set forth in Section 7(c)(1) of the Amended and Restated JPA, to serve until the Chair or Vice-Chair is present. In such case, the Chair pro tem is authorized only to conduct meetings of the Commission pursuant to these Rules and is not authorized to add items the Agenda for any meeting of the Commission or exercise any other duties of the Chair or Vice-Chair of the Commission.

2. **Convening the Meeting and Quorum.** A majority of the full Commission (or, in the absence of a member, that member's alternate) constitutes a quorum for the conduct of business. The Chair shall be responsible for ascertaining and announcing the presence of a quorum and the due convening of the meeting. In the event a majority of the Commission is not also a majority of the commissioner and weighted voting calculations pursuant to Section 7(c)(1) of the Amended and Restated JPA, the Commission may convene and hold a meeting to receive reports and information, but it may not take action to approve any item.

3. **Consent Calendar.** Matters to be included on the Consent Calendar are those that are regularly presented to the Commission and are routine in
nature, such as approval of minutes. All matters on the Consent Calendar may be acted upon by a single vote. Any Commission member may request that a matter on the Consent Calendar be removed for comment only, prior to a single vote on the entire Consent Calendar. If any member requests that a matter on the Consent Calendar be considered and acted upon separately, the matter shall be removed from the Consent Calendar. In the event a member of the public requests that a matter on the Consent Calendar be considered and acted upon separately, the Chair has full discretion to determine whether or not such matter shall be removed from the Consent Calendar. Such matters shall be separately considered immediately after approval of the remainder of the Consent Calendar, subject to the Chair’s authority to take up the matter later in the meeting.

4. **General Principles for Discussion or Debate.** Discussion of any issue is subject to regulation by the Chair to assure adequate consideration of relevant points of view in the best interests of EBDA. The objectives of discussion are to:

- Determine the will of the Commission.
- Assure sufficient discussion and consideration of issues so that all pertinent points of view are considered.
- Maintain the dignity and decorum of the meeting so that each recognized speaker’s views are made known to the members and to ensure that appropriate respect is accorded all members and the public.
- Present the consideration of business in a manner understood by all participants.

5. **Motions.** The Commission prefers a flexible format for meetings and does not insist that its meetings be conducted strictly in accordance with formal rules of procedure. The conduct of the Commission’s meetings will be informed by Robert’s Rules of Order, but the Commission will not be obligated to strictly comply with Robert’s Rules.

The following rules of motion practice are to be applied as a guide to the Chair in disposition of motions. If a member believes that adequate order is not being maintained or that the procedures being followed do not allow for adequate and orderly discussion of an item, the member may raise a point of order to the Chair. If the member is not satisfied with the ruling of the Chair, the member may appeal to the full Commission.

All matters requiring Commission action must be presented in the form of a motion. In order for a vote to be taken on a motion, the motion must be seconded by another member. When a motion has been made and
seconded, it shall be stated by the Chair for consideration by the Commissioners.

In general, every agenda item requiring action will be presented with a written staff report and clear recommendation; however, action may be by motion and reflected in the minutes. In certain circumstances, statutory law requires Commission action by written resolution, such as matters related to CalPERS. Furthermore, in practice, the Commission may choose to adopt significant governing policies, such as a Reserve Policy and Procurement Policy, by written resolution. In each case, the Chair will call for a motion to adopt such action.

Under these Rules, motions should be limited to those set forth on the Chart of Motion Practice (Attachment 1). Motions on Attachment 1 are listed in order of precedence. When a motion is pending, any motion listed above it on the chart is in order, but those below it are out of order.

6. **Voting.** The affirmative vote of (a) three or more commissioners; and (b) greater than fifty percent of the weighted votes based on Maximum Flow Rate Capacity is required to adopt any action, including passing a main motion, except for unanimous or other special voting protocols as set forth in Sections 7(c)(2) and 7(c)(3) of the Amended and Restated JPA. A voice vote shall be taken first on all motions subject to weighted voting. If the voice vote is not unanimous, a roll call vote shall be taken.

A roll call shall be taken on the vote on all main motions associated with an ordinance or resolution and on any other motion when requested by a member. All votes will be recorded.

The number of votes assigned to each member for purposes of weighted voting is shown on Attachment 2.

7. **Time Limit on Meetings.** When a meeting of the Commission has lasted two and one quarter hours or more, no new item of business may be taken up for discussion or action unless the Commission votes to extend the meeting. This provision may be invoked by the Chair or any member. However, it has no effect on the validity of any action taken by the Commission unless and until it is invoked.

8. **Adjournment.** Upon completion of the meeting’s agenda, or upon conclusion of a meeting pursuant to Rule II.G.7, the Chair shall adjourn the meeting. Adjournment may be accomplished by a motion or announcement of the Chair.

9. **Minutes.** The General Manager shall prepare minutes of each Commission meeting, which shall be submitted for action at a subsequent meeting. Minutes shall record the ayes and nays on roll call votes. Minutes should not include the text of ordinances and resolutions, which
shall be maintained by the General Manager in separate volumes. Minutes are intended to be a record of Commission action and a brief summary of discussion; they should not be an exhaustive record of deliberation.
RULE III. COMMITTEES OF THE COMMISSION

A. Standing Committees. The Commission may establish standing committees that have continuing jurisdiction over a particular subject matter, or a set meeting schedule pursuant to the Brown Act. Rules II.B, C, D, and E shall apply to all meetings of a standing committee. Until otherwise determined by the Commissions, the current policy is that the physical presence of a single Standing Committee member is sufficient to constitute a quorum (see Resolution 05-13). Standing committees may include, but shall not be limited to the following:

1. Financial Management Committee. The Financial Management Committee advises the Commission and General Manager regarding financial matters applicable to EBDA and its related budget and expenses.

2. Operations and Maintenance Committee. The Operations and Maintenance Committee advises the Commission and General Manager on long range objectives of EBDA and the operation and maintenance of its facilities.

3. Personnel Committee. The Personnel Committee advises the Commission and General Manager regarding personnel matters before the Commission.

4. Regulatory Affairs Committee. The Regulatory Affairs Committee advises the Commission and General Manager on regulations and legislation at the local, State and Federal level which may affect EBDA, requirements of regulatory agencies, coordination with environmental and water quality organizations in and about San Francisco Bay, and other EBDA policy decisions.

B. Ad Hoc Committees. The Commission, or the Chair on his or her own initiative, may establish ad hoc advisory committees to undertake special, specific or limited assignments on behalf of the Commission pursuant to the Brown Act.

C. Committee Members and Alternates. Following the submission of each member's preference, the Chair may appoint members to standing and ad hoc committees of the Commission and may designate the chairs of such committees. Such appointments are effective on July 1 of each and every Fiscal Year. In the event of an absence of a Committee member, including the designated chair, that commissioner's agency appointed alternate will represent the Committee member, including serving as chair, if designated. In the event of a vacancy of a designated chair of a committee, the Commission Chair will designate a new committee chair.
RULE IV. COMMUNICATIONS TO THE COMMISSION

A. General. Members of the public should address comments and questions to the Chair.

1. Agenda Items. Members of the public may speak on any item on the agenda, after receiving recognition from the Chair.

2. Non-Agenda Items. Members of the public may speak on matters not on the agenda during Public Forum. The Commission will take no immediate action on matters which are not on the Agenda. Such items raised by the public may be referred to staff for review and analysis and may be reported back to the Commission at a subsequent meeting. Members and staff may also briefly respond to statements or questions made during Public Forum or take any other action permitted by law.

   If a speaker refers to any document, writing, record, picture, or other exhibit, the General Manager shall request a copy so that it can be included in the record.

B. Time Limits on Public Comments. The Chair may impose time limits on each speaker.
RULE V. COMMISSIONER COMMUNICATIONS

A. Communications with Staff. Members should endeavor to direct all questions and requests to the General Manager for delegation to staff, as needed. Members, by making a request to the General Manager, shall have access to information relative to the operations of EBDA, including but not limited to statistical information, information serving as the basis for certain actions of staff, justification for staff recommendations, etc. Members should receive any information from staff as preliminary and be cautious with the use of the information until the General Manager makes a formal recommendation for action.

B. Communications on behalf of EBDA. Individual members have no authority and should not make any promises on behalf of the Commission or EBDA. Only the Commission may commit EBDA to an action or a policy. If a member is speaking on behalf of EBDA at another agency’s public meeting, he/she should always clearly state that what he/she is saying has been approved by the Commission and not deviate from the message and/or position. If a member speaks as a private citizen at a public gathering, he/she should clearly state that he/she is doing so in an individual capacity.

C. Communications with the Public. Commissioners may always speak with members of the public regarding EBDA matters. It is advisable to inform the General Manager as soon as practicable regarding complaints and concerns from members of the public. Only the Chair and General Manager are authorized to speak with the media regarding EBDA matters. All media requests should be directed to the General Manager.
RULE VI. **SUSPENSION/AMENDMENT/REPEAL**

A Rule may be suspended at any Commission meeting by a majority vote of the Commission. The Rules may be amended or repealed by a vote of the Commission.
## ATTACHMENT 1

### CHART OF MOTION PRACTICE

<table>
<thead>
<tr>
<th>Motion</th>
<th>Second Required?</th>
<th>Debatable?</th>
<th>Amendable?</th>
<th>Vote Required*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MEETING CONDUCT (PRIVILEGED) MOTIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Point of Privilege</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>Point of Order</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>To Appeal Ruling of Chair</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Majority + Weighted</td>
</tr>
<tr>
<td>To Recess</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority + Weighted</td>
</tr>
<tr>
<td>To Adjourn</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Majority + Weighted</td>
</tr>
<tr>
<td><strong>DISPOSITION (SUBSIDIARY) MOTIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To Withdraw a Motion</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>To Postpone Consideration (Table)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority + Weighted</td>
</tr>
<tr>
<td>To Refer to Committee</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority + Weighted</td>
</tr>
<tr>
<td>To Amend</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority + Weighted</td>
</tr>
<tr>
<td>To Limit or Close Debate (Call the Question)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2/3</td>
</tr>
<tr>
<td><strong>MAIN MOTIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To Take Action; To Reconsider</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority + Weighted</td>
</tr>
</tbody>
</table>

* For privileged and subsidiary motions, required vote refers to those present and voting. Main motions require a majority of the full Commission, whether or not present and voting. Except where noted, for purposes of this motion practice, weighted voting does apply.
**ATTACHMENT 2 -**

**MEMBER AGENCY VOTES**  
**UNDER WEIGHTED VOTING CALCULATION**

<table>
<thead>
<tr>
<th>Name of Agency</th>
<th>No. of Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Castro Valley</td>
<td>10.30</td>
</tr>
<tr>
<td>Hayward</td>
<td>14.72</td>
</tr>
<tr>
<td>Oro Loma</td>
<td>19.14</td>
</tr>
<tr>
<td>San Leandro</td>
<td>13.74</td>
</tr>
<tr>
<td>Union</td>
<td>42.10</td>
</tr>
</tbody>
</table>

In the event one or more Agencies adjusts its Maximum Flow Rate Capacity as set forth in Section 11 of the Amended and Restated JPA, this attachment will be recalculated, and all agencies will be informed, pursuant the Amended and Restated JPA. After such recalculation, a revised Attachment 2 will be automatically incorporated in these Rules.
ATTACHMENT 3

COMMISSION VOTING

A. **Weighted Voting:**
Except as set out in B and C below, every action will be subject to two vote calculations.

1) A calculation of commissioner's votes where each commissioner is allocated one vote; and
2) A calculation of weighted votes as set forth in Attachment 2.

B. **Unanimous Voting:**
The following actions require unanimous approval:

1) Amendment of the Amended and Restated JPA;
2) Termination of the JPA during the Term;
3) Approval of modifications to, or extension of, the Master Agreement between the Livermore-Amador Valley Water Management Agency ("LAVWMA") and the Authority, dated April 26, 2007;
4) Approval of any agreement that would result in the utilization of the Facilities to dispose of brine pursuant to Section 23(b)(1) of the Amended and Restated JPA;
5) Changes to the ownership of Authority Facilities; and
6) Approval of the Authority Policies and Procedures regarding purchasing and brine.

C. **Other Actions:**
For the purpose of Commission actions related to effluent violations addressed in Section 16(b) of the Amended and Restated JPA, the unanimous vote requirement will not include the violating Agency(ies) and the commissioner from the violating Agency(ies) will not be permitted a vote.